

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NO.: IT-1.001  
 RULE TITLE: Division of Cultural Affairs

**PURPOSE AND EFFECT:** This rule amendment establishes a new grant program entitled Culture Builds Florida Grant Program, which implements the Division’s 10-year strategic plan entitled “Culture Builds Florida’s Future,” and which will expand the reach of Florida’s cultural programs to new audiences. Although this amendment eliminates the International Cultural Exchange Grant Program, international projects may continue to be funded under three other grant programs.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendment establishes eligibility requirements, application procedure, and scoring criteria for this new program.

**SPECIFIC AUTHORITY:** 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6), 265.2861(2)(b)(d), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS.

**LAW IMPLEMENTED:** 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.603, 265.605-.606, 265.608, 265.609 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** October 30, 2007, 11:00 a.m.  
**PLACE:** Room 307, 3rd Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Morgan Lewis, Division of Cultural Affairs, (850)245-6470

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NOS.: 5F-2.001 5F-2.002  5F-2.003 5F-2.005 5F-2.014  5F-2.016	RULE TITLES: Standards Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oil Numbers 1-D and 2-D, and Fuel Oil Numbers 1 and 2 Registration and Identification Inaccurate Measuring Devices Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44, Diesel Dispenser Nozzle Requirements, and Meter Sealing Requirements Guidelines for Imposing Administrative Penalties
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**PURPOSE AND EFFECT:** The purpose and effect of amending Rule 5F-2.001, F.A.C., is to:

1. adopt current editions of ASTM International fuel quality specification designations for gasoline, diesel fuels, kerosene, fuel oils, and various alternative fuels listed in Chapter 5F-2, Florida Administrative Code, so that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization;
2. add “end point” distillation requirements to alternative fuels to protect consumers from contaminated fuel;
3. define and include B99 with the existing B100 for use and specifications;
4. revise the vapor pressure requirements for certain alcohol modified fuels to allow more of these fuels to be marketed;
5. redefine the term and standards for biodiesel blends to include fuel oil as a blending agent to concur with general practices.

The purpose and effect of amending Rule 5F-2.002, F.A.C., is to provide disposition processes for certain substandard fuels in order to create a modified process for less severely contaminated fuels.

The purpose and effect of amending Rule 5F-2.003, F.A.C., is to update the labeling requirements of certain fuels to make Department rules in accord with new federal labeling requirements and to add a web address for certain Department forms, making them more accessible.

The purpose and effect of amending Rule 5F-2.005, F.A.C., is to allow an alternative method for dealing with improperly registering petroleum fuel measuring devices that have been repaired. This will increase the efficiency of Department personnel.

The purpose and effect of amending Rule 5F-2.014, F.A.C., is to:

1. add requirements to standards for petroleum fuel measuring devices to protect the consumer from fueling improperly or receiving short measure;
2. adopt the 2007 edition of National Institute of Standards and Technology (NIST) Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices in order to incorporate the most recent nationally recognized specifications and testing criteria for measuring devices developed by a consensus organization.

The purpose and effect of amending Rule 5F-2.016, F.A.C., is to update the penalty matrices to reflect the proposed changes in Chapter 5F-2, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** Proposed rule Chapter 5F-2, F.A.C., will specify that the most recent editions of ASTM International standards for fuels and other vehicular fluids are to be accepted for implementation. Changes and additions regarding specifications and labeling of these products are also addressed. New requirements for petroleum measuring devices are addressed. Changes and/or updates for penalties for violations are addressed. The website to the Gasoline and Oil Inspection Affidavit form is added.

**SPECIFIC AUTHORITY:** 525.037, 525.07, 525.14, 525.16, 526.09, 531.40, 531.41(3) FS.

**LAW IMPLEMENTED:** 525.01, 525.035, 525.037, 525.07, 525.14, 525.16, 526.01(1),(3), 531.40 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** October 29, 2007, 9:00 a.m. EST

**PLACE:** Florida Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, FL 32399-1650

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 days before the workshop/meeting by contacting: Richard Kimsey, Environmental Administrator, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone: (850)488-9740. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Matthew D. Curran, Ph.D., Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone: (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions shall be considered by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service in accordance with Section 120.542, F.S., Variances and Waivers.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International designation D 4814-06a ~~D 4814-04b~~<sup>et</sup>, "Standard Specification for Automotive Spark-Ignition Engine Fuel ,-" with the following exception: Gasoline containing one through ten percent ethanol by volume shall be allowed a 1.0 psi increase to the applicable vapor pressure class maximum.

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 4814-06a ~~D 4814-04b~~<sup>et</sup>, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(c) No person shall sell or offer for sale gasoline in this state that does not comply with the following requirements:

1. The total ethanol content of gasoline shall not exceed ten percent (10.0%), by volume;

2. The total methanol and co-solvents content of gasoline shall not exceed ten percent (10.0%), by volume;

3. The total methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed fifteen percent (15.0%), by volume;

4. The total ethanol and methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed twelve percent (12.0%), by volume.

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosene No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in ASTM International designation D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosine."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosine."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in ASTM International designation D 975-06b ~~D 975-04e<sup>et</sup>~~, "Standard Specification for Diesel Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 975-06b ~~D 975-04e<sup>et</sup>~~, "Standard Specification for Diesel Fuel Oils."

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.

(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in ASTM International designation D 396-06 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 396-06 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(5) Alternative Fuels.

(a)1. Methanol, denatured ethanol, or other alcohols;

2. Denatured Ethanol.

a. Standards. All denatured fuel ethanol shall conform to the chemical and physical standards for denatured fuel ethanol as set forth in the ASTM International designation D 4806-06c ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 4806-06c ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(b) Mixtures containing 85% by volume of methanol, denatured ethanol, or other alcohols with gasoline or other fuels, or such other percentage, determined acceptable in the specifications for such mixtures as adopted in this section to provide for requirements relating to cold start, safety, or vehicle functions:

1. E85 Fuel Ethanol. The following specifications apply to E85 Fuel Ethanol sold or offered for sale in Florida.

a. Standards. All E85 Fuel Ethanol shall conform to the chemical and physical standards for Fuel Ethanol as set forth in the ASTM International designation D 5798-06 ~~D 5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines;" with the following addition: All E85 Fuel Ethanol shall conform to the end point distillation temperature requirements for gasoline, as defined in subsection 5F-2.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5798-06 ~~D 5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

2. M85 Fuel Methanol. The following specifications apply to M85 Fuel Methanol sold or offered for sale in Florida.

a. Standards. All M85 Fuel Methanol shall conform to the chemical and physical standards for Fuel Methanol as set forth in the ASTM International designation D 5797-06 ~~D 5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines;" with the following addition: All M85 Fuel Methanol shall conform to the end point distillation temperature requirements for gasoline, as defined in subsection 5F-2.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5797-06 ~~D 5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

(c) Fuels, other than alcohol, derived from biological materials:

1. Biodiesel fuel blend stock (also referred to as biodiesel or B100) and B99 (99% diesel fuel and 1% biodiesel by volume). The following specifications apply to biodiesel and B99 sold or offered for sale in Florida.

a. Standards. Biodiesel and B99 shall meet the specifications set forth by ASTM International designation D 6751-07 ~~D 6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 6751-07 ~~D 6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

2. Biodiesel blends (biodiesel blended with diesel fuel or fuel oil). The following specifications apply to biodiesel blends sold or offered for sale in Florida. Biodiesel blends cannot contain more than 20% biodiesel. B99 is not considered a blend for the purposes of this section.

a. Standards. Biodiesel blends containing diesel fuel shall meet the specifications set forth by ASTM International designation D 975-06b ~~D 975-04e<sup>et</sup>~~, "Standard Specification for Diesel Fuel Oils."

b. Standards. Biodiesel blends containing fuel oil shall meet the specifications set forth by ASTM International designation D396-04, "Standard Specification for Fuel Oils."

c. Analysis. For purposes of inspection and testing biodiesel blends containing diesel fuel, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 975-06b ~~D 975-04e<sup>et</sup>~~, "Standard Specification for Diesel Fuel Oils."

d. Analysis. For purposes of inspection and testing biodiesel blends containing fuel oil, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 396-04, "Standard Specification for Fuel Oils."

(6) Water in Retail Storage Tanks. Water in storage tanks containing products enumerated in this section and from which products are sold at retail shall not exceed two inches in depth when measured from the bottom of the tank.

(7) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) ASTM International D 4814-06a ~~D 4814-04b<sup>et</sup>~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) ASTM International D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosene."

(c) ASTM International D 975-06b ~~D 975-04e<sup>et</sup>~~, "Standard Specification for Diesel Fuel Oils."

(d) ASTM International D 396-06 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(e) ASTM International designation D 4806-06c ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(f) ASTM International D 5798-06 ~~D 5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

(g) ASTM International D 5797-06 ~~D 5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

(h) ASTM International designation D 6751-07 ~~D 6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 4-18-05, 6-1-06, \_\_\_\_\_.

5F-2.002 Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels.

(1) GASOLINE.

(a) Gasoline found below the standard by reason of containing water, sediment, or suspended matter shall be withheld from sale to the public by the Department of Agriculture and Consumer Services until brought up to standard.

(b) Gasoline found below standard because of an Antiknock Index more than one (1.0), but not more than two (2.0), below the Antiknock Index displayed on the dispenser

shall be withheld from sale to the public until it has been brought up to the Antiknock Index standard. If the product meets the specifications for a lesser grade of gasoline, it may be labeled as the lesser grade and released for sale to the public.

(c) Gasoline blended with ethanol found to have an ethanol content of more than one (1.0), but not more than three (3.0), above or below the posted ethanol content displayed on the dispenser shall be withheld from sale to the public until it has been replaced with suitable product or relabeled appropriately. No concentration shall be permitted to be less than one percent by volume ethanol if the product is labeled as containing ethanol according to the requirements in subsection 5F-2.003(7), F.A.C.

(d) Gasoline found below standard because of a silver corrosion rating of two (2) shall be withheld from sale to the public until it meets the silver corrosion standard or is replaced with a suitable product that meets the silver corrosion standard.

(e)(e) Gasoline not meeting specifications stated in ASTM International D 4814-06a ~~D 4814-04b<sup>et</sup>~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel" for reasons other than those enumerated in paragraphs (1)(a), ~~and~~ (b), (c) or (d) shall be subject to penalties provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(2) KEROSENE.

(a) Kerosene found below standard by reason of containing water, sediment, suspended matter, or failing to meet the standard for color shall not have an assessment levied, by the Department, but shall be withheld from sale to the public until brought up to standard.

(b) Kerosene not meeting specifications stated in ASTM International D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosene" for reasons other than those enumerated in paragraph (2)(a) shall be subject to penalties provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(3) DIESEL FUEL OILS No. 1-D AND No. 2-D, AND FUEL OILS No. 1 AND No. 2.

(a) Diesel fuel oils and fuel oils found below standard by reason of containing excessive amounts of water and sediment shall not have an assessment levied but shall be withheld from sale to the public until they are brought up to standard.

(b) Diesel fuel oils No. 2-D found below the flash point standard, but not below 100°F, shall not have an assessment levied but shall be withheld from sale to the public until brought up to standard.

(c) Diesel fuel oils No. 1-D and No. 2-D found above the sulfur standard, but equal to or below 35 ppm sulfur shall not have an assessment levied, but shall be withheld from sale to the public until brought up to standard or relabeled appropriately.

~~(d)~~<sup>(e)</sup> Diesel fuel oils No. 1-D and No. 2-D, and fuel oils No. 1 and No. 2 not meeting specifications stated in ASTM International D 975-06b ~~D-975-04e<sup>+</sup>~~, “Standard Specification for Diesel Fuel Oils” and ASTM International D 396-06 ~~D-396-04~~, “Standard Specification for Fuel Oils”, respectively for reasons other than those enumerated in paragraphs (3)(a), ~~(b)~~ and ~~or (c)~~<sup>(b)</sup> shall be subject to the penalties as provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(4) ALTERNATIVE FUELS.

(a) Alternative Fuels found below standard shall be withheld from sale to the public until brought up to standard.

(b) Biodiesel blends found to have a biodiesel content of more than two (2.0), but not more than five (5.0), above or below the posted biodiesel content displayed on the dispenser shall be withheld from sale to the public until it has been replaced with suitable product or relabeled appropriately.

~~(c)~~<sup>(b)</sup> Alternative Fuels found below standard for reasons other than those enumerated in paragraph (4)(b) shall be subject to the penalties as provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

Specific Authority 525.037, 525.14, 525.16 FS. Law Implemented 525.037, 525.16 FS. History—Amended 7-1-71, 7-1-73, Repromulgated 12-31-74, Amended 2-13-80, Formerly 5F-2.02, Amended 5-3-90, 8-13-92, 1-24-93, 11-29-94, 6-1-06, \_\_\_\_\_.

5F-2.003 Registration and Identification.

(1) The Department of Agriculture and Consumer Services will furnish on request Form DACS-03202 for making statements and affidavits required in Section 525.01, Florida Statutes. Form DACS-03202 is effective 11-29-94, (Rev. 6/01) and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Standards, Bureau of Petroleum Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 or at <http://www.doacs.state.fl.us>.

(2) Every retail gasoline dispenser shall have the octane rating of the gasoline being sold therefrom conspicuously and firmly posted in a manner conforming with 16 Code of Federal Regulations Part 306 (1-1-93 Edition) which is hereby adopted by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(3) Every retail gasoline dispenser shall have the grade designation of the gasoline being sold therefrom conspicuously and firmly attached thereto. The octane rating of gasoline sold using the following grade designations must meet the minimum octane rating indicated:

Grade Designation	Minimum Octane Rating
Premium, Super, Supreme, High Test	91
Midgrade, Plus	89
Regular, Unleaded	87

(4) All racing gasoline or gasoline designed for special use that is kept, offered, or exposed for sale, or sold at retail that does not meet standards established in subsection 5F-2.001(1), F.A.C.:

(a) May not be advertised or represented, in writing or orally, to be suitable for use in ordinary motor vehicles or boat motors,

(b) Shall be accompanied by a conspicuous sign on the dispenser stating that the product does not meet gasoline specifications.

(5) Every retail kerosene dispenser or container-package of kerosene offered for sale at retail shall be conspicuously labeled “kerosene” immediately followed by the designation: 1-K or 2-K, whichever is applicable.

(6) Beginning June 1, 2006, every retail diesel fuel dispenser shall have the proper grade designation to indicate the sulfur content of the diesel fuel being sold therefrom conspicuously and firmly attached thereto. Lettering must be in block letters of no less than 24-point bold type and printed in a color contrasting the background. The label shall be placed on the vertical surface of each dispenser housing on each side that has measure and price meters. The label shall be on the upper two-thirds of the dispenser and clearly visible to anyone dispensing fuel from the dispenser. The label shall include all of the following text relating to the grade of diesel fuel sold through the dispenser:

(a) For all ultra-low sulfur highway diesel fuel:

ULTRA-LOW SULFUR HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)

Required for use in all model year 2007 and later highway diesel vehicles and engines.

Recommended for use in all diesel vehicles and engines.

(b) For all low sulfur highway diesel fuel:

LOW SULFUR HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)

WARNING – Federal law prohibits use in model year 2007 and later highway vehicles and engines. Its use may damage these vehicles and engines.

(c) For ultra-low sulfur ~~all~~ non-highway diesel fuel:

~~NON-HIGHWAY DIESEL FUEL (may exceed 500 ppm Sulfur, but not more than 5,000 ppm Sulfur)~~

~~WARNING – Federal law prohibits use in highway vehicles and engines. Its use may damage these vehicles and engines.~~

ULTRA-LOW SULFUR NON-HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)

Required for use in all model year 2011 and newer non-road diesel engines.

Recommended for use in all non-road, locomotive, and marine diesel engines.

WARNING – Federal law prohibits use in highway vehicles or engines.

(d) For low sulfur non-highway diesel fuel:

LOW SULFUR NON-HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)

WARNING – Federal law prohibits use in highway vehicles or engines.

(e) For high sulfur non-highway diesel fuel:

HIGH SULFUR NON-HIGHWAY DIESEL FUEL (may exceed 500 ppm Sulfur, but not more than 5,000 ppm Sulfur)

WARNING – Federal law prohibits use in highway vehicles or engines.

May damage non-road diesel engines required to use low-sulfur or ultra-low sulfur diesel fuel.

(f) For all fuel (heating) oil:

WARNING – Federal law prohibits use in highway vehicles or engines, or in non-road, locomotive, or marine diesel engines. Its use may damage these diesel engines.

(7) All gasoline kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 10% by volume of ethanol, methanol, or a combination shall be identified as “contains 10% or less or 1-10% ethanol,” “contains 10% or less or 1-10% methanol,” or “contains 10% or less or 1-10% ethanol/methanol”, or other definitive equivalent statement on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Gasoline kept, offered, or exposed for sale, or sold, at retail, containing specifically ten percent by volume of ethanol may be identified as “E10” and “contains ethanol” or other definitive equivalent statement declaring the presence of ethanol on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(8) All alternative fuel kept, offered, or exposed for sale, or sold, at retail that contains more than 10% ethanol, methanol or other alcohol shall be identified by a name indicating the amount and type(s) of ethanol, methanol or other alcohol in the fuel and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Ethanol mixed with gasoline and containing an ethanol content of nominally 75%-85% shall be identified as “E85 Fuel Ethanol.”

(b) Methanol mixed with gasoline and containing a methanol content of nominally 80%-85% shall be identified as “M85 Fuel Methanol.”

(9) ~~All biodiesel or~~ biodiesel blends containing diesel fuel kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as “Biodiesel Blend (BXX),” where XX represents the volume percent biodiesel in the biodiesel blend; and shall be labeled with the proper sulfur grade designation “S15 (15 ppm Sulfur Maximum)” or “S500 (500 ppm Sulfur Maximum). All biodiesel or B99 kept, offered, or exposed for sale, or sold, at retail shall be identified as “Biodiesel (BXX),” where XX represents the volume percent biodiesel and shall be labeled with the proper sulfur grade designation “S15 (15 ppm Sulfur Maximum)” or “S500 (500 ppm Sulfur Maximum). Each dispenser shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Every dispenser that dispenses biodiesel, B99, or a biodiesel blend containing diesel fuel dispenser dispensing fuel with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL, CONSULT  
WITH YOUR ENGINE  
MANUFACTURER OR OWNER’S MANUAL BEFORE  
USING THIS PRODUCT

(b) Every dispenser that dispenses a biodiesel blend containing diesel fuel shall also possess the proper diesel fuel sulfur grade designation conspicuously and firmly attached thereto, as specified in (6) of this subsection, to indicate the grade of the biodiesel blend being sold therefrom. The diesel fuel sulfur grade designation shall apply to the blended fuel.

(10) All biodiesel blends containing fuel oil kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as “Bioheat (BHXX),” where XX represents the volume percent biodiesel in the biodiesel blend, and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Every dispenser that dispenses a biodiesel blend containing fuel oil with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that

has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL. CONSULT WITH YOUR EQUIPMENT OR ENGINE MANUFACTURER OR OWNER'S MANUAL BEFORE USING THIS PRODUCT

~~(11)(10)~~ Any other alternative fuel as defined by this section shall be labeled clearly and unambiguously on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

Specific Authority 525.14, 526.09 FS. Law Implemented 525.01, 525.035, 525.14, 526.01(1), (3) FS. History--Amended 12-31-74, 2-13-80, 5-3-83, 4-22-85, Formerly 5F-2.03, Amended 11-28-89, 1-24-93, 11-24-94, 6-1-06,\_\_\_\_\_.

5F-2.005 Inaccurate Measuring Devices.

(1) For the purpose of Section 525.07, Florida Statutes, and this rule, the term "short measure" shall mean the overregistering of fuel by a petroleum fuel measuring device.

(2) If any petroleum fuel measuring device is found to be underregistering fuel in excess of the specifications and tolerances established by the department in Rule 5F-2.014, F.A.C., the inspector shall give the operator or owner of the said device a reasonable time in writing to fix or adjust such device.

(3) If any petroleum fuel measuring device is found to be overregistering fuel in excess of the specifications and tolerances established by the department in Rule 5F-2.014, F.A.C., the device shall be placed out-of-service and prohibited from further use. Such measuring devices placed out-of-service for inaccuracy shall be rendered inoperative either by removal or by the locking of working parts with lead and wire seal and shall not be put back in service without reinspection ~~and~~ or the ~~written~~ consent of the department.

(4) If three or more petroleum fuel measuring devices at any petroleum retail facility are each found to be overregistering fuel in excess of 25 cubic inches, the devices shall be placed out-of-service and prohibited from further use. The nozzles of such petroleum measuring devices placed out-of-service for inaccuracy shall be covered with a red plastic bag and the measuring devices shall be rendered inoperative either by the removal or by the locking of working parts with lead and wire seal. The measuring devices shall not be put back in service without reinspection ~~or~~ and the ~~written~~ consent of the department.

Specific Authority 525.07, 525.14 FS. Law Implemented 525.07 FS. History--Amended 7-1-74, Repromulgated 12-31-74, 5-3-83, Formerly 5F-2.05, Amended 11-29-94,\_\_\_\_\_.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44, Diesel Dispenser Nozzle Requirements, and Meter Sealing Requirements.

(1) The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2007 2006 Edition, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or at <http://ts.nist.gov>.

(2) Effective July 1, 2008, each retail dispensing device from which diesel fuel, biodiesel, or a biodiesel blend containing diesel fuel is sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 23.63 mm (0.930 in).

(3) All operating petroleum fuel measuring devices must be sealed with an appropriate security seal in such a manner that the metering adjustment cannot be changed without breaking the seal. An appropriate security seal is one which has been applied by the Department or a person who is registered with the Department as a meter mechanic and bears the name of the company or the name or initials of the registered meter mechanic.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History--New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 6-1-06,\_\_\_\_\_.

5F-2.016 Guidelines for Imposing Administrative Penalties.

(1) Any person who is shown to have willfully and intentionally violated any provision of Chapter 525, Florida Statutes, shall have a maximum administrative fine of \$5,000 levied per violation.

(2) Any person who commits a first violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall be issued a warning letter.

(3) Any person who commits a second violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall have a maximum administrative fine of \$1,000 levied per violation.

(4) Any person who commits three or more violations of Chapter 525, Florida Statutes, within a three-year period that are not shown to have been willful or intentional shall have a maximum administrative fine of \$5,000 levied per violation.

(5) Pursuant to Section 525.16(1)(a)2., Florida Statutes, four factors will be considered when imposing an administrative fine on a second time or repeat offender for violations that are not shown to have been willful or intentional. The factors are:

(a) The degree and extent of harm caused by the violation;

- (b) The cost of rectifying the damage;
- (c) The amount of money the violator benefitted from the noncompliance; and
- (d) The compliance record of the violator.

The administrative fine will be a sum of the assigned monetary amounts of these factors. These factors will be assigned monetary amounts in the following manner:

1. The degree of harm is determined by the severity and nature of the violation and the extent of harm will be determined by the amount of substandard product sold.

- a. Severity and Nature of the Violation.  
Gasoline

Fine	\$100	\$250	\$500
Distillation: End Point, °F	<475 <del>450-475	476-500	>500
Distillation: 10, 50 & 90% evaporated temperature, °F		all violations	
Vapor Pressure, psi	April-October: > maximum but ≤11.5	November-March: > 13.5* April-October: > 11.5	
Antiknock Index			>2.0 below displayed value
Sulfur			all violations
Gum			all violations
Alcohol/Oxygenates		> maximum but < 20%	>20%
Ethanol	> 3.0 from displayed value		
Silver Corrosion			≥ 2 all violations

\*Greater than 14.5 psi for gasoline blended with 1% to 10% ethanol by volume.

Diesel, Biodiesel Blends, Kerosene, Bioheat and Fuel Oils

Fine	\$100	\$250	\$500
Flash Point, °F	diesel, biodiesel blends, bioheat & fuel oils: 80-95 kerosene: 80-91	diesel, biodiesel blends, kerosene, bioheat & fuel oils: 60-79	diesel, biodiesel blends, kerosene, bioheat & fuel oils: < 60
Distillation		diesel, biodiesel blends, kerosene, bioheat & fuel oils: all violations	
Sulfur (ULSD, Biodiesel blends containing ULSD and S15 Biodiesel)			>35 ppm all violations
Sulfur (all other fuels)			all violations
Lubricity			all violations
Biodiesel and Bioheat, % volume	biodiesel blends: >20		
Biodiesel and Bioheat, % volume	blends: > 5 from displayed value		

\*Sulfur requirements for Ultra Low Sulfur Diesel (ULSD or S15) will be elevated to 22 ppm until September 1, 2006 at the wholesale level and October 15, 2006 at the retail level. See 40

CFR Part 80 as amended in Federal Register on November 22, 2005, volume 70 number 224, page 70498.

Fuel Ethanol (Ed75-Ed85) and Fuel Methanol (M70-M85)



Fine	\$100	\$250	\$500
Ethanol content	Fuel Ethanol (Ed 75-Ed85): all violations		
Methanol content	all violations		
Vapor Pressure	all violations		
Sulfur	all violations		
Water content	all violations		
Distillation: End Point, °F	<475	476-500	>500

Biodiesel Fuel Blend Stock (B100) and B99

Fine	\$100
Flash Point	all violations
Water and sediment content	all violations
Sulfur	all violations
Glycerin	all violations
Distillation: 90%	all violations

b. Extent of Harm.

Fine	\$250	\$750	\$1,500
# of gallons sold	0-500	501-1000	> 1000

2. The cost of rectifying the damage is determined by the monetary value of repairs for equipment damaged by the substandard product. These damages must be related to a valid complaint filed with the Department.

Fine	\$100	\$250	\$500
\$value	<\$500	\$500-1000	>\$1000

3. Benefit to Violator.

Fine	Revenue resulting from sale of substandard product.
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4. Compliance Record.

Fine	\$100 per violation	\$250 per violation	\$500 per violation
# of violations subject to penalty	3rd previous year	2nd previous year	1st previous year

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History—New 2-24-00, Amended 7-30-02, 6-1-06,\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09432  
 RULE TITLE: Assessment of Limited English Proficient Students

PURPOSE AND EFFECT: The purpose of the rule development is to review the assessment of English language learners to ensure consistency with other rules and governing statutes.

SUBJECT AREA TO BE ADDRESSED: Assessment.

SPECIFIC AUTHORITY: 1003.56 FS.

LAW IMPLEMENTED: 1003.56 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATES AND TIMES: The time of the workshops has changed since they were advertised in the September 28, 2007, Florida Administrative Weekly.

October 24, 2007, 1:00 p.m. – 7:00 p.m.; October 25, 2007, 1:00 p.m. – 7:00 p.m.; October 26, 2007, 1:00 p.m. – 7:00 p.m.

PLACE: October 24, 2007

Florida Department of Education, 325 West Gaines Street, Suite 1703/07, Tallahassee, Florida

October 25, 2007

Miami Dade College, Wolfson Campus, 300 N.E. 2nd Avenue, Room 2106, Miami, Florida

October 26, 2007

Orange County Public Schools, Educational Leadership Center, Board Room, 445 West Amelia Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa C. Saavedra, Bureau of Academic Achievement through Language Acquisition, 325 West Gaines Street, Suite 501C, Tallahassee, Florida; (850)245-5074

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0784  
 RULE TITLE: Approval of Charter School Governance Training

PURPOSE AND EFFECT: The purpose of the proposed rule development is to establish procedures for the approval of charter school governance training submitted to the Department of Education by potential training providers. As all governing bodies of charter schools must participate in approved governance training, the effect will be consistency in the training to include but not be limited to government in the sunshine, conflicts of interest, ethics, and financial responsibility.

SUBJECT AREA TO BE ADDRESSED: Procedures for the approval of charter school governance training.

SPECIFIC AUTHORITY: 1002.33(24) FS.

LAW IMPLEMENTED: 1002.33(9)(k)4. FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa C. Saavedra, Bureau of Academic Achievement through Language Acquisition, 325 West Gaines Street, Suite 501C, Tallahassee, Florida; (850)245-5074  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-6.0900	Programs for Limited English Proficient Students
6A-6.0901	Definitions Which Apply to Programs for Limited English Proficient Students
6A-6.0902	Requirements for Identification, Assessment and Programmatic Assessment of Limited English Proficient Students
6A-6.0903	Requirement for Classification, Reclassification, and Post Reclassification
6A-6.0904	Equal Access to Appropriate Programming for Limited English Proficient Students
6A-6.0905	Requirements for the District Limited English Proficient Plan
6A-6.0906	Monitoring of Programs for Limited English Proficient Students
6A-6.0907	Inservice Requirements for Personnel of Limited English Proficient Students
6A-6.0908	Equal Access for Limited English Proficient Students to Programs Other Than ESOL
6A-6.0909	Exemptions Provided to Limited English Proficient Students
6A-6.09091	Accommodations of the Statewide Assessment Program Instruments and Procedures for Limited English Proficient Students

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate new assessment standards for English language learners as well as review rule and governing statutes to ensure consistency between law and rule.

SUBJECT AREA TO BE ADDRESSED: Identification, assessment, and reclassification of students classified as English language learners.

SPECIFIC AUTHORITY: 1003.56 FS.

LAW IMPLEMENTED: 1003.56 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: The following times have been changed since the notice of rule development was published in the September 28, 2007 Florida Administrative Weekly:

October 24, 2007, 1:00 p.m. – 7:00 p.m.; October 25, 2007, 1:00 p.m. – 7:00 p.m.; October 26, 2007, 1:00 p.m. – 7:00 p.m.  
 PLACE: October 24, 2007

Florida Department of Education, 325 West Gaines Street, Suite 1703/07, Tallahassee, Florida

October 25, 2007

Miami Dade College, Wolfson Campus, 300 N.E. 2nd Avenue, Room 2106, Miami, Florida

October 26, 2007

Orange County Public Schools, Educational Leadership Center, Board Room, 445 West Amelia Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa C. Saavedra, Bureau of Academic Achievement through Language Acquisition, 325 West Gaines Street, Suite 501C, Tallahassee, Florida; (850)245-5074

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.:	RULE TITLE:
12A-1.001	Specific Exemptions

PURPOSE AND EFFECT: The purpose of the proposed amendments to subsection (5), Resource Recovery Equipment or Machinery, of Rule 12A-1.001, F.A.C. (Specific Exemptions), is to remove requirements that are no longer used by the Department and to include current procedures and requirements that are currently used by the Department to administer the exemption for resource recovery machinery or equipment provided in Section 212.08(7)(q), F.S.

When in effect, these proposed amendments will: (1) provide that resource recovery equipment is certified by the Department of Environmental Protection pursuant to Section 403.715, F.S., and Rule 62-704.420, F.A.C.; (2) clarify that an applicant may obtain a preliminary examination report, but must obtain a final examination and certification of resource recovery equipment from the Department of Environmental Protection to be qualified for the exemption; (3) remove the requirement that a taxpayer who receives a preliminary examination report of resource recovery equipment from the Department of Environmental Protection be registered with the Department; (4) provide how to purchase qualified resource recovery equipment tax-exempt using the suggested exemption certificate; (5) remove requirements to provide a cash bond, deposit, or other security to the Department for purposes of

obtaining the exemption; (6) clarify that tax is due on equipment or machinery that fails to qualify for final certification by the Department of Environmental Protection; (7) provide how and when tax, plus any applicable penalty or interest, is due to the Department; and subsection (8) provide how to obtain a refund of tax previously paid on certified resource recovery equipment or machinery.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the rule development workshop is the proposed changes to subsection 12A-1.001(5), F.A.C. (Resource Recovery Equipment or Machinery), the procedures and requirements used by the Department to administer the exemption for resource recovery equipment or machinery provided in Section 212.08(7)(q) FS.

**SPECIFIC AUTHORITY:** 212.17(6), 212.08(7)(h)2., (cc)5., 212.18(2), 213.06(1) FS.

**LAW IMPLEMENTED:** 212.02(10), (12), (16), (20), (21), 212.05, 212.08(6), (7)(f), (h), (q), (v), (x), (cc) FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** October 30, 2007, 11:00 a.m.

**PLACE:** Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Chris Whittier, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4802

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

12A-1.001 Specific Exemptions.

(1) through (4) No change.

(5) **RESOURCE RECOVERY EQUIPMENT OR AND MACHINERY.**

(a) Resource recovery equipment or and machinery used in a facility owned and operated exclusively by or on behalf of any county or municipality is exempt. To qualify for exemption, the resource recovery such equipment or and machinery must:

1. Be certified as resource recovery equipment or machinery by the Department of Environmental Protection under Section 403.715, F.S., and Rule Chapter 62-704, F.A.C., Certification of Resource Recovery Equipment; and

2. Be owned or operated exclusively by or on behalf of a county or municipality.

(b) To obtain certification of the resource recovery equipment or machinery, application must be made to the Department of Environmental Protection. The Department of Environmental Protection will issue a final examination and certification for qualifying resource recovery equipment or machinery after the equipment or machinery is installed and operational. Prior to the purchase and installation of qualifying resource recovery equipment or machinery, a preliminary examination report may be obtained from the Department of Environmental Protection. Persons who obtain a preliminary examination report must also obtain a final examination and certification after the equipment or machinery is installed and operational. Copies of preliminary examination reports and final examination and certifications issued by the Department of Environmental Protection are provided to the Department of Revenue.

(c) ~~1.(b)~~ Preliminary examination reports. A temporary exemption ~~applies shall apply only~~ to the resource recovery equipment or machinery specified in the ~~written~~ preliminary examination report ~~issued delivered to the Executive Director or the Executive Director's designee in the responsible program~~ by the Department of Environmental Protection. The temporary ~~This exemption is shall be final~~, contingent upon final examination and certification of the resource recovery equipment or machinery by the Department of Environmental Protection. ~~In the event the Department of Environmental Protection does not issue a written decision granting or denying certification within 30 months from the date the preliminary examination report is received, the Executive Director or the Executive Director's designee in the responsible program shall determine an amount sufficient to secure payment of any tax, penalty, and interest which may be due or which may become due in the event the Department of Environmental Protection denies certification and shall require a cash deposit, bond, or other security be issued to the Executive Director in such amount, unless the county or municipality for which the facility is being constructed executes a guarantee in favor of the Executive Director, the effect of which is to secure payment of any tax, penalty, and interest which may become due by the party directly liable to the Department for the tax.~~

2. Applicants who have received a preliminary examination report may purchase the resource recovery equipment or machinery identified in the preliminary report tax-exempt. A county or municipality that has received a preliminary examination report may issue a copy of its Florida Consumer's Certificate of Exemption to make tax-exempt

purchases of the identified resource recovery equipment or machinery. Prime contractors and subcontractors who have entered into a contractual agreement with a county or municipality to purchase the identified resource recovery equipment or machinery may purchase the equipment or machinery tax-exempt by issuing a written certification to the selling dealer. The prime contractor or subcontractor must certify that the equipment or machinery qualifies as resource recovery equipment or machinery that will be used exclusively by or on behalf of a county or municipality, as provided in Section 212.08(7)(q), F.S. The following is a suggested format of a written certification:

CERTIFICATION FOR RESOURCE RECOVERY EQUIPMENT OR MACHINERY

This is to certify that the resource recovery equipment or machinery, as described below, purchased on/or after (DATE) from (VENDOR) is purchased for use as qualifying resource recovery equipment or machinery, pursuant to Section 212.08(7)(q), F.S., and will be used exclusively by or on behalf of a county or municipality. Resource Recovery Equipment or Machinery:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that if I use the equipment or machinery for any purpose other than as resource recovery equipment or machinery, I must pay tax on the purchase price of the taxable property directly to the Department of Revenue.

I understand that it is a criminal offense to fraudulently issue this certificate to evade the payment of sales tax and that I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

Purchaser's Name \_\_\_\_\_

Purchaser's Address \_\_\_\_\_

Name and Title of Authorized Representative \_\_\_\_\_

By \_\_\_\_\_

(Signature of Purchaser)

(Date)

3. (c) Persons claiming exemption from payment of tax on resource recovery equipment shall submit a copy of the preliminary examination report issued by the Department of Environmental Protection with an Application for Sales and Use Tax Registration (Form DR-1, incorporated by reference in Rule 12A 1.097, F.A.C.), as provided in Rule 12A 1.060, F.A.C. to the Executive Director or the Executive Director's designee in the responsible program. Upon approval of the application the Executive Director or the Executive Director's designee in the responsible program shall issue a certificate of

registration authorizing the tax exempt purchase of those items identified by the Department of Environmental Protection as possible resource recovery equipment. The purchaser is required to applicant shall file a monthly report with the Department of Revenue and pay tax at the time of purchase on any item items purchased tax exempt which have not been identified in the preliminary examination report by the Department of Environmental Protection that does not qualify as possible resource recovery equipment or machinery in the preliminary examination report, or have been determined not to be resource recovery equipment following final examination and certification by the Department of Environmental Protection. Upon completion of the project and final certification by the Department of Environmental Protection, the applicant shall forward to the Department of Revenue his Sales and Use Tax Certificate of Registration with any outstanding sales and use taxes due.

(d) Final examination and certification. Resource recovery equipment or machinery identified in a final examination and certification issued by the Department of Environmental Protection is exempt. Applicants, prime contractors, and subcontractors who obtained a preliminary examination report are entitled to an exemption for the resource recovery equipment or machinery identified in the final examination and certification. If it is determined by the Department of Environmental Protection that an item identified in the final examination and certification does not qualify as resource recovery equipment or machinery, tax, plus the applicable penalty and interest computed from the date of purchase, is due to the Department immediately.

(e) Refunds.

1. If an applicant, prime contractor, or subcontractor did not obtain a temporary exemption from the Department to purchase resource recovery equipment or machinery identified in the final examination and certification tax-exempt, the exemption may be obtained through a refund of previously paid taxes. Refunds will not be allowed until information has been provided to the satisfaction of the Executive Director or the Executive Director's designee that the resource recovery equipment or machinery meets the requirements of Section 212.08(7)(q), F.S., and this rule. The purchaser of the qualified resource recovery equipment or machinery is entitled to a refund of tax paid on the qualifying resource recovery equipment or machinery. The purchaser must obtain a certified statement from its supplier(s) certifying that the supplier(s) has remitted the tax to the Department. If the purchaser paid tax directly to the Department, the purchaser is required to provide documentation that the tax was remitted directly to the Department.

2. The following is a suggested format for a certified statement to be issued by the supplier that tax has been remitted to the Department:

\_\_\_\_\_  
 (COMPANY), its undersigned officer who is duly authorized, hereby certifies to \_\_\_\_\_ (CONTRACTOR OR SUBCONTRACTOR) it has paid sales tax to the Florida Department of Revenue totaling the sum of \$ \_\_\_\_\_. The taxes were collected by COMPANY upon the sales of equipment or machinery as evidenced by the attached invoice(s).

The company further certifies the sales tax for the attached invoice(s) was paid to the Department of Revenue in the month following the date of sale under sales tax certificate number \_\_\_\_\_.

SIGNATURE OF AUTHORIZED OFFICER OF COMPANY

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

3. An Application for Refund-Sales and Use Tax (Form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.) must be filed within 3 years after the date the tax was paid in accordance with the timing provisions of Section 215.26(2), F.S. A copy of the final examination and certification issued by the Department of Environmental Protection, the documentation to evidence the payment of tax, and the certified statement(s) from the supplier(s) that tax has been remitted to the Department must accompany the application for refund. An application for refund will not be considered complete pursuant to Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C., and a refund will not be approved, until the applicant can demonstrate that the resource recovery equipment or machinery has been certified by the Department of Environmental Protection and that tax on the purchase of the equipment or machinery has been remitted to the Department.

(6) No change.

Specific Authority 212.08(7)(h)2., (cc)5., 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10), (12), (16), (20), (21), 212.05, 212.08(6), (7)(f), (h), (q), (v), (x), (cc) FS. History—Revised 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78, 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81, 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.01, Amended 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96, 4-2-00, 6-28-00, 6-19-01, 10-2-01(1), (2), 10-2-01(2)-(7), 10-2-01(3)-(7), 8-1-02,\_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12A-19.060  
 RULE TITLE: Sales for the Purpose of Resale

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.060, Florida Administrative Code (Sales for the Purpose of Resale), is to establish by administrative rule the requirements to document tax-exempt sales of communications services for resale by using the Department’s electronic system to verify communications

services tax dealers’ registration numbers and resale certificate numbers, as required in Sections 8-10, Chapter 2007-106, Laws of Florida. This law requires the Department to establish a toll-free telephone number for the verification of valid communications services tax dealer registration numbers and resale certificates no later than January 1, 2008. In addition, the Department will provide an on-line certificate verification system to be used by selling dealers to verify communications services tax dealers’ registration numbers and resale certificate/business partner numbers.

The proposed amendments provide the three methods by which dealers must document the exempt nature of sales for the purpose of resale – to obtain a copy of the purchaser’s Communications Services Tax Annual Resale Certificate that is signed by the purchaser or the purchaser’s representative; to obtain a Transaction Resale Authorization Number issued by the Department; or, to obtain a Vendor Resale Authorization Number issued by the Department.

The proposed amendments provide that selling dealers may make tax-exempt sales for resale to a purchaser whose current Communications Services Tax Annual Resale Certificate is on file without seeking a new certificate for each subsequent sale during that calendar year. For sales made to purchasers who purchase on account from a dealer on a continual basis, the selling dealer is not required to obtain a new certificate for each calendar year.

The proposed amendments provide that selling dealers may document tax-exempt sales for resale by obtaining a Transaction Resale Authorization Number or a Vendor Resale Authorization Number from the Department by using the Department’s on-line Certificate Verification System or calling the Department’s nationwide toll-free telephone verification system. The proposed amendments provide the requirements for the selling dealer to obtain a transaction resale authorization number for each and every resale transaction and to document each resale transaction. Selling dealers who document sales for resale by obtaining a Vendor Resale Authorization Number from the Department must also obtain a signed copy of the purchaser’s Communications Services Tax Annual Resale Certificate. The proposed amendments provide how to obtain the Vendor Resale Authorization Number from the Department and the time periods during which the authorization number is valid.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed requirements for communications services tax dealers to verify communications services tax certificate/business partner numbers for purposes of documenting tax-exempt sales of communications services for resale, utilizing the Department’s toll-free telephone verification system or the Department’s on-line certificate verification system.

SPECIFIC AUTHORITY: 202.16(2), 202.26(3)(c), (d) FS.

LAW IMPLEMENTED: 202.11(3), (10), (11), 202.13(2), 202.16(2), (4), 202.17(6), 202.34(3), (4)(c) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 30, 2007, 11:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.060 Sales for the Purpose of Resale.

(1) A sale for the purpose of resale is excluded from the tax imposed by and administered under Chapter 202, F.S., only when the sale is made in strict compliance with the provisions of this rule.

(2) For purposes of this rule, the following terms are defined as:

(a) A "dealer" means a person registered with the Department as a provider of communications services in Florida.

(b) An "active registered dealer" means a person who is registered with the Department as a communications services tax dealer and who is required to file a communications services tax return at least once during each applicable reporting period, as provided in Section 202.17(6), F.S.

(c) A "purchaser" means the person paying for or obligated to pay for communications services.

(3) A "sale for the purpose of resale" occurs when a person purchases communications services from a dealer and then resells the communications services, uses the communications services as a component part of communications services that are offered for retail sale, or integrates the purchased communications services into communications services offered for retail sale.

(4) ANNUAL RESALE CERTIFICATES ISSUED BY THE DEPARTMENT.

(a) Each newly registered dealer will receive a Communications Services Tax Certificate of Registration (Form DR-700014) and a Communications Services Tax Annual Resale Certificate (Form DR-700015). For each calendar year, the Department will issue to each active registered dealer a Communications Services Tax Annual Resale Certificate that specifically identifies the valid period of the certificate.

(b) The business name and mailing address of the certificate holder, the certificate/business partner number, the registration effective date, and the expiration date of the certificate, ~~and the purposes for which the certificate may be provided~~ will be indicated on each Communications Services Tax Annual Resale Certificate.

(c) The effective date of a dealer's initial Communications Services Tax Annual Resale Certificate will be the postmark date of the application or, when delivered by means other than the United States Postal Service, the date the application is received by the Department.

(d) In the event that a dealer's original Communications Services Tax Annual Resale Certificate is lost or destroyed, a replacement may be requested by visiting any local Department of Revenue Service Center to personally obtain a copy or by contacting the Department at (800)352-3671 (~~in Florida only~~) or (850)488-6800. Persons with hearing or speech impairments may call the Department's TDD, at (800)367-8331 or (850)922-1115. Written requests should be addressed to Account Management Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

(5) A Communications Services Tax Annual Resale Certificate is considered valid when a signed copy of the certificate is provided to the selling dealer in lieu of payment of the tax on any sale made on or after the registration effective date and on or prior to the certificate expiration date, as indicated on the certificate; and when a selling dealer receives a signed copy of the certificate in good faith.

(6) A dealer making a sale for resale is required to document the exempt sale by CHOOSING ONE of the following three methods: PROVISIONS APPLICABLE TO SELLING DEALERS.

(a) COPIES OF ANNUAL RESALE CERTIFICATES OBTAINED BY THE SELLING DEALER. A selling dealer who makes a sale for the purpose of resale must obtain and receives a signed copy of the purchaser's current a valid Communications Services Tax Annual Resale Certificate or a Transaction Resale Authorization Number or Vendor Resale Authorization Number issued by the Department in lieu of tax will be in compliance with the requirements of this rule and is relieved from any liability for any tax due on that sale.

1. The copy of the Communications Services Tax Annual Resale Certificate must be signed by the purchaser or the purchaser's authorized representative.

2. A selling dealer may make sales for resale to a purchaser whose current Communications Services Tax Annual Resale Certificate is on file without seeking a new certificate for each subsequent transaction during that calendar year. A new Communications Services Tax Annual Resale Certificate must be obtained each calendar year. Except for sales made to purchasers who purchase on account from the dealer on a continual basis, a selling dealer may only make exempt sales for resale to purchasers during the calendar year for which the purchaser's Communications Services Tax Annual Resale Certificate appears valid on its face.

3. For sales made to purchasers who purchase on account from a dealer on a continual basis, the selling dealer may rely upon the Communications Services Tax Annual Resale Certificate beyond the expiration date of the certificate and is not required to obtain a new certificate each calendar year.

a. For purposes of this paragraph, the phrase "purchase on account from a dealer on a continual basis" means that the selling dealer has a continuing business relationship with a purchaser and makes recurring sales on account to that purchaser in the normal course of business.

b. For purposes of this paragraph, a sale "on account" refers to a sale where the dealer extends credit to the purchaser and records the debt as an account receivable, or where the dealer sells to a purchaser who has an established cash or cash on delivery (C.O.D.) account, similar to an "open credit account."

c. For purposes of this paragraph, purchases are made from a selling dealer on a "continual basis" if the selling dealer makes sales to the purchaser no less frequently than once in every twelve-month period in the normal course of business.

(b) TRANSACTION RESELL AUTHORIZATION NUMBER ISSUED AT POINT-OF-SALE – VALID FOR SINGLE TRANSACTION ONLY. In lieu of obtaining a signed copy of the purchaser's Communications Services Tax Annual Resale Certificate for each tax-exempt sale made for the purposes of resale, the selling dealer may obtain a Transaction Resale Authorization Number or a Vendor Resale Authorization Number from the Department.

1. A "transaction resale authorization number" must be obtained by the selling dealer at the point-of-sale by using the Department's on-line Certificate Verification System at [www.myflorida.com/dor/eservices](http://www.myflorida.com/dor/eservices) or by calling the Department's nationwide toll-free telephone verification system at (877)357-3725.

2. When using the Department's on-line Certificate Verification System, the dealer may key up to five (5) purchaser's communications services tax certificate/business partner numbers into the system. When using the Department's automated nationwide toll-free verification system, the selling dealer is prompted to key in a single purchaser's communications services tax certificate/business partner number. The system will either issue a 13-digit transaction

resale authorization number or alert the selling dealer that the purchaser does not have a valid resale certificate. Selling dealers using the automated telephone verification system who do not have a touch-tone phone will be connected to a live operator during the hours of 8:00 a.m. to 7:00 p.m. (Eastern Time), Monday through Friday. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

3. A transaction resale authorization number is not valid to exempt subsequent resale purchases made by the same purchaser. A selling dealer must obtain a new transaction resale authorization number for each and every resale transaction.

4. The selling dealer must document the transaction resale authorization number on the sales invoice, purchase order, or a separate form that is prepared by either the purchaser or the selling dealer. The sales invoice, purchase order, or separate form must contain the following statement: "The purchaser hereby certifies that the communications services being purchased are for resale." This statement must be followed by the signature of the purchaser. The signature may be obtained by the selling dealer through use of an electronic signature pad or other electronic method.

(c) VENDOR RESELL AUTHORIZATION NUMBER FOR REGULAR CUSTOMERS WHO HAVE PREVIOUSLY SUBMITTED DOCUMENTATION TO THE SELLING DEALER – VALID FOR CALENDAR YEAR ISSUED. In lieu of obtaining a Transaction Authorization Number or a signed copy of the purchaser's valid Communications Services Tax Annual Resale Certificate for each tax-exempt sale made for the purposes of resale, the selling dealer may obtain a Vendor Resale Authorization Number from the Department. This option is available to selling dealers throughout the calendar year without limitation.

1. The "Vendor Resale Authorization Number" is a customer-specific authorization number that will be valid for all sales for resale made to a particular customer during the calendar year. When obtaining a Vendor Resale Authorization Number, the selling dealer must obtain a signed copy of the purchaser's Communications Services Tax Annual Resale Certificate to document that the purchaser is authorized to make tax-exempt purchases for the purposes of resale. Once a Vendor Resale Authorization Number is obtained for that customer, the selling dealer is not required to obtain a Communications Services Tax Annual Resale Certificate from that customer each year.

2. To obtain vendor resale authorization numbers, the selling dealer must use the Department's on-line Certificate Verification System at [www.myflorida.com/dor/eservices](http://www.myflorida.com/dor/eservices). The system also allows the user to upload a batch file of up to 50,000 accounts for verification of a Communications Services Tax Annual Resale Certificate number and to, 24 hours later,

retrieve the file containing the Vendor Authorization Numbers for sales made for the purposes of resale to each purchaser during the calendar year.

3. The selling dealer may make exempt sales for resale to a customer during the period in which the vendor resale authorization number for that customer is valid. Vendor resale authorization numbers are valid for the remainder of the calendar year during which they are issued. However, vendor resale authorization numbers issued by the Department in November or December shall be valid for the remainder of the current calendar year and for the next calendar year.

(7) BURDEN OF ESTABLISHING EXEMPT NATURE OF SALES FOR RESALE.

(a)(b) Copies of Communications Services Tax Annual Resale Certificates that are obtained after the sale from purchasers who were active registered dealers at the time of the sale and are submitted to the Department during an audit or subsequent informal protest period of the audit will be considered sufficient compliance with this rule.

(b)(e) A sale made to a person who was not an active registered dealer at the time of the sale is a retail sale, and the sale can never be considered a sale for resale. However, a selling dealer who accepts a signed copy of a Communications Services Tax Annual Resale Certificate that appears valid on its face will not be held liable for the tax on such transaction, if it is later determined that the purchaser was not an active registered dealer.

~~(d) A selling dealer may make sales for the purpose of resale to a purchaser who has previously provided a copy the purchaser's current Communications Services Tax Annual Resale Certificate that is on file without seeking a new copy of the purchaser's Communications Services Tax Annual Resale Certificate for each subsequent transaction during that calendar year. A selling dealer must obtain a new copy of the purchaser's Communications Services Tax Annual Resale Certificate from its purchasers for sales made for the purpose of resale in subsequent calendar years.~~

(8)(7) PROVISIONS APPLICABLE TO PURCHASING DEALERS.

(a) A signed copy of a Communications Services Tax Annual Resale Certificate may only be provided by an active registered dealer who holds a valid Communications Services Tax Certificate of Registration issued by the Department.

(b) A dealer whose Communications Services Tax Certificate of Registration has been revoked by the Department or whose registration has been inactivated or canceled is prohibited from providing copies of its Communications Services Tax Annual Resale Certificate in lieu of paying the tax due on its purchases of communications services. A dealer who provides a copy of its Communications Services Tax Annual Resale Certificate for any purchase after its

Communications Services Tax Certificate of Registration has been revoked, inactivated, or canceled will be held liable for the tax, penalty, and interest on all such purchases.

(c) In the event that a purchasing dealer provides a copy of its Communications Services Tax Annual Resale Certificate to a selling dealer and subsequently consumes the communications services by not reselling the communications services, the purchasing dealer must pay all applicable communications services taxes directly to the Department with its first return due subsequent to the consumption of the communications services.

~~(9)(8)~~ REQUIRED RECORDS. A dealer is required to document the nature of sales made for the purpose of resale and is required to maintain copies of Communications Services Tax Annual Resale Certificates, Vendor Resale Authorization Numbers, Transaction Authorization Numbers, and receipts, invoices, billing statements, or other tangible evidence of such sales until the tax imposed by and administered under Chapter 202, F.S., may no longer be determined and assessed under Section 95.091(3), F.S. Electronic storage by a selling dealer of a signed copy of a purchaser's Communications Services Tax Annual Resale Certificate and other required documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.16(2), 202.26(3)(c), (d) FS. Law Implemented 202.11(3), (10), (11), 202.13(2), 202.16(2), (4), 202.17(6), 202.34(3), (4)(c) FS. History—New 1-31-02, Amended 7-16-06, \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-10.0015  
 RULE TITLE: Standards of Practice  
 PURPOSE AND EFFECT: The purpose and effect is to establish standards of practice for electrical contractors.  
 SUBJECT AREA TO BE ADDRESSED: Standards of Practice.  
 SPECIFIC AUTHORITY: 489.507(3), 489.516(2), 489.531(1)(a), (e), 489.533(1)(f), (j), 455.227(1)(j), (p) FS.  
 LAW IMPLEMENTED: 489.503, 489.533(2), 455.227(2) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-10.0015 Standards of Practice.

(1) The Board establishes the following as standards of practice in electrical and alarm system contracting:

(a) An electrical or alarm system contractor shall, prior to engaging or contracting with another entity and or person for the performance of electrical or alarm system contracting as defined by Section 489.505(9), F.S., verify that the entity and or person is certified or registered with the State of Florida.

(b) An electrical or alarm system contractor shall maintain documentation of his or her verification of licensure of all entities or persons that he or she engages or contracts with for the performance of electrical or alarm system contracting as defined by Section 489.505(9), F.S. At a minimum, documentation shall include proof of the entities' or persons' current Florida certification or registration.

(c) An electrical or alarm system contractor shall pull a building permit from the local building department, prior to performing any electrical or alarm system contracting, unless otherwise exempted pursuant to Section 489.503, F.S.

(2) It shall constitute negligence, incompetence, and/or misconduct in the practice of electrical or alarm system contracting, as set forth in Section 489.533(1)(f), F.S., for an electrical or alarm system contractor to fail to comply with the standards of practice set forth in above.

Specific Authority 489.507(3), 489.516(2), 489.531(1)(a), (e), 489.533(1)(f), (j), 455.227(1)(j), (p) FS. Law Implemented 489.503, 489.533(2), 455.227(2) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Beaches and Shores**

RULE NOS.:	RULE TITLES:
62B-56.010	Scope
62B-56.020	Definitions
62B-56.030	Permit Criteria for Construction
62B-56.040	Consultations
62B-56.050	Permit Application Requirements and Procedures
62B-56.060	Electronic Submittal

62B-56.070	Public Comment and Noticing Requirements
62B-56.080	Survey Requirements
62B-56.090	Financial Assurances
62B-56.100	Duration of Permits
62B-56.110	Permit Modifications
62B-56.120	Permit Transfers
62B-56.130	Permit and Maintenance Fees
62B-56.140	Conversion and Maintenance
62B-56.150	General Permit Conditions
62B-56.160	Revocations, Suspensions and Removal

PURPOSE AND EFFECT: To create Rule Chapter 62B-56, entitled; Bureau of Beaches and Coastal Systems – Rules and Procedures for Using Sand-Filled Geotextile Dune Cores (Permits for Construction and Maintenance), to provide the requirements and procedures for issuance, denial, transfer, modification, revocation, and suspension, of Construction and Maintenance Permits used for sand-filled geotextile containers as the core of a restored dune feature.

SUBJECT AREA TO BE ADDRESSED: Permitting, construction, maintenance, and removal of geotextile containers under certain conditions, and other rule provisions.

SPECIFIC AUTHORITY: 161.0535, 161.085 FS.

LAW IMPLEMENTED: 161.0535, 161.085 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 17, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: Bureau of Beaches and Coastal Systems, 5050 W. Tennessee St., Bldg. B, Room #307, Tallahassee, FL., as noticed in the September 28, 2007, Vol 33, No. 39, of the F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Charlotte Hand at the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-7816, or by e-mail at: [charlotte.hand@dep.state.fl.us](mailto:charlotte.hand@dep.state.fl.us), and the Department's web site at: [www.dep.state.fl.us/beaches/default.htm#HotTopics](http://www.dep.state.fl.us/beaches/default.htm#HotTopics)

**DEPARTMENT OF JUVENILE JUSTICE**

**Division of Administration**

RULE NOS.:	RULE TITLES:
63F-10.001	Purpose and Scope
63F-10.002	Definitions
63F-10.003	Requests for Youth Records
63F-10.004	Release of Youth Records
63F-10.005	Record-Sharing Agreements
63F-10.006	Confidentiality

PURPOSE AND EFFECT: The rule establishes the process and conditions whereby the Department of Juvenile Justice may make available records in its custody regarding children.

SUBJECT AREA TO BE ADDRESSED: The rule addresses the manner in which requests for youth records are received and processed, and the conditions under which various types of youth records are provided to requesting youth, law enforcement, criminal justice agencies, and others authorized to obtain the information.

SPECIFIC AUTHORITY: 985.04, 985.64 FS.

LAW IMPLEMENTED: 985.04 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, October 30, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, Knight Building, General Counsel's Conference Room 3200, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lydia Monroe, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100; e-mail, lydia.monroe@djj.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.:	RULE TITLE:
64B16-26.103	Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for continuing education credits and license renewal.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

SPECIFIC AUTHORITY: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.013(7), (9), 456.033, 465.009 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.103 Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

(1)(a) through (b) No change.

(c) Prior to renewal, a licensee must complete, within the 24 month period prior to the expiration date of the license, a two-hour continuing education course approved in advance by an Accreditation Council for Pharmacy Education (ACPE) provider ~~the Board or the Accreditation Council for Pharmacy Education (ACPE)~~ on medication errors that covers the topics set forth in subsection Rule 64B16-26.6011(2), F.A.C. Hours obtained pursuant to this section may be applied by the licensee to the requirements of subsection (1).

(d) through (j) No change.

(k) All programs accredited ~~approved~~ by an ~~the~~ ACPE provider for continuing education for pharmacists are deemed approved by the Board for general continuing education hours for pharmacists. ~~Any course necessary to meet the continuing education requirement for HIV/AIDS, consultant pharmacist license renewal or nuclear pharmacist license renewal shall be Board approved.~~

(1) No change.

(2)(a) through (c) No change.

(3)(a) Prior to renewal a nuclear pharmacist shall complete no less than 24 hours of Board approved continuing education in the course work specified in Rule ~~64B16-26.304, 64B16-26.303~~, F.A.C., within the 24 month period prior to the expiration date of the nuclear pharmacist license. A nuclear program or course accredited by an ACPE provider shall be deemed approved by the Board for nuclear pharmacist continuing education hours. The hours earned to satisfy this requirement cannot be used to apply toward the 30 hours required in subsection (1) above. However, if nuclear pharmacist license renewal hours are earned and not used to meet the requirements of this paragraph, they may be applied by the licensee to the 30 hours required in subsection (1).

(b) through (c) No change.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.013(7), (9), 456.033, 465.009 FS. History—New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, 1-2-02, 1-12-03, 4-12-05,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-28.141  
 RULE TITLE: Automated Pharmacy System in a Community Pharmacy

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide additional updated requirements for an automated pharmacy system in a community pharmacy.

SUBJECT AREA TO BE ADDRESSED: Requirements for an Automated Pharmacy System in a Community Pharmacy.

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.018, 465.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.141 Automated Pharmacy System in a Community Pharmacy.

(1) Definitions. “Automated pharmacy system” means a mechanical system, located within or adjacent to the confines the prescription department, that performs operations or activities, other than compounding or administration, relative to storage, packaging, dispensing, or distribution of medication, and which collects, controls, and maintains all transaction information.

(2)(a) through (d) No change.

(3) Additional Requirements for Patient Accessed Automated Pharmacy Systems. A pharmacy may use a patient accessed automated pharmacy system, provided that:

(a) Meets the requirements in subsection (2) above.

(b) The stocking or restocking of a medicinal drug shall only be completed by a Florida licensed pharmacist, except as provided in paragraph (c) below.

(c) If the automated pharmacy system uses removable cartridges or containers to store the drug, the stocking or restocking of the cartridges or containers may occur at a licensed repackaging facility and be sent to the provider pharmacy to be loaded by personnel designated by the pharmacist if:

1. A Florida licensed pharmacist verifies the cartridge or container has been properly filled and labeled.

2. The individual cartridge or container is transported to the provider pharmacy in a secure, tamper-evident container.

3. The automated pharmacy system uses a bar code verification, electronic verification, weight verification, radio frequency identification (RFID) or similar process to ensure that the cartridge or container is accurately loaded into the automated pharmacy system.

4. The Florida licensed pharmacist verifying the filling and labeling is responsible if the cartridge or container is stocked or restocked incorrectly by the personnel designated to load the cartridges or containers.

(d) The automated pharmacy system must use at least two separate verifications, such as bar code verification, electronic verification, weight verification, radio frequency identification (RFID) or similar process to ensure that the proper medication is being dispensed from the automated system.

(e) The medication shall bear a patient specific label that complies with Rule 64B16-28.108, F.A.C.

(f) The record of transactions with the patient accessed automated pharmacy system shall be available to authorized agents of the Department of Health. The record of transactions shall include:

1. Name of the patient.

2. Name, strength, and dosage form of the drug product dispensed.

3. Quantity of drug dispensed.

4. Date and time of dispensing.

5. Name of provider pharmacy.

6. Prescription number.

7. Name of prescribing practitioner.

8. Identity of the pharmacist who approved the prescription or order.

9. Identity of the person to whom the drug was released.

(4) The Florida licensed pharmacist responsible for filling, verifying, or loading the automated pharmacy system shall be responsible for her or his individual action.

(5) A prescription dispensed pursuant to the requirements of this rule shall be deemed to have been certified by the pharmacist.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.018, 465.022 FS. History—New 11-29-04, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-28.501  
 RULE TITLE: Institutional Permit – Consultant Pharmacist of Record

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for an institutional permit and for the consultant pharmacist of record.

SUBJECT AREA TO BE ADDRESSED: Institutional Permit – Consultant Pharmacist of Record.

SPECIFIC AUTHORITY: 465.005, 465.0125, 465.022 FS.

LAW IMPLEMENTED: 465.0125, 465.019, 465.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.501 Institutional Permit – Consultant Pharmacist of Record.

Each facility holding a Class I, a Class II, or a Modified Class II Institutional permit shall designate a consultant pharmacist of record to ensure compliance with the laws and rules governing the permit. The Board office shall be notified in writing within 10 days of any change in the consultant pharmacist of record. The consultant pharmacist of record for a Class I ~~or a~~ Modified Class II, or a Special ALF permit shall conduct Drug Regimen Reviews as required by Federal or State law, inspect the facility and prepare a written report to be filed at the permitted facility at least monthly. In addition, the consultant pharmacist of record must monitor monthly the facility system for providing medication administration records and physician order sheets to ensure that the most current record of medications is available for the monthly drug regimen review. The consultant pharmacist of record may utilize additional consultant pharmacists to assist in this review and or in the monthly facility inspection.

Specific Authority 465.005, 465.0125, 465.022 FS. Law Implemented 465.0125, 465.019, 465.022 FS. History–New 7-18-94, Formerly 61F10-28.501, 59X-28.501, Amended 1-2-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-11.002 RULE TITLE: Examination for Licensure

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination for Licensure.

SPECIFIC AUTHORITY: 456.017, 461.005 FS.

LAW IMPLEMENTED: 456.017(1)(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Division of Children’s Medical Services**

RULE NOS.:	RULE TITLES:
64C-8.001	Definitions Used in the Child Protection Team Rule
64C-8.002	Child Protection Team Organization, Roles and Responsibilities
64C-8.003	CPT Services
64C-8.004	Waivers

PURPOSE AND EFFECT: The proposed amendments to Children’s Medical Services Rules 64C-8.001-.004, F.A.C., update and reflect the standards for Child Protection Teams.

SUBJECT AREA TO BE ADDRESSED: Amendments provide new and updated definitions; revises minimum criteria for a Child Protection Medical Director, Team Coordinator, Psychologist, Team Physicians, Physician Assistants, and Advanced Nurse Practitioners, and Team Attorneys; updates eligibility criteria and services; and clarifies waiver procedures.

SPECIFIC AUTHORITY: 39.303, 415.514 FS.

LAW IMPLEMENTED: 415.5055 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Evans, janet\_evans@doh.state.fl.us, Children’s Medical Services, 4052 Bald Cypress Way, Bin #A-06, Tallahassee, Florida 32399-1700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Division of Children’s Medical Services**

RULE NOS.:	RULE TITLES:
64C-9.001	Definitions Used in the Sexual Abuse Treatment Rule
64C-9.002	Sexual Abuse Treatment Program Organization, Roles and Responsibilities
64C-9.003	Eligibility Criteria

PURPOSE AND EFFECT: The proposed amendments to Children’s Medical Services Rules 64C-8.001-.004, F.A.C., update and reflect the standards for Sexual Abuse Treatment Programs

SUBJECT AREA TO BE ADDRESSED: Amendments provide new and updated definitions; revised criteria for a Program Coordinator and counseling staff; updates eligibility criteria and services; and clarifies waiver procedures

SPECIFIC AUTHORITY: 39.3031 FS.

LAW IMPLEMENTED: 39.305 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Evans, janet\_evans@doh.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.:	RULE TITLE:
65C-33.001	Definitions

PURPOSE AND EFFECT: Child Welfare Training and Certification. The purpose of this rule is to carry out the provisions of Section 402.40, F.S. regarding child welfare training. This rule will set forth the minimum standards for a Child Welfare Professional training and certification process; continuing training requirements; supervisor training and certification requirements; and trainer certification requirements. These minimum standards ensure that each participant has successfully attained the knowledge, skills and abilities necessary to competently carry out his or her work responsibilities.

SUBJECT AREA TO BE ADDRESSED: Training and Certification of Child Welfare Professionals.

SPECIFIC AUTHORITY: 402.40(10) FS.

LAW IMPLEMENTED: 402.40(10) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATES AND TIMES: WORKSHOP 1, TIME AND DATE: 10:00 a.m. – 3:00 p.m. EST, November 6, 2007; WORKSHOP 2, TIME AND DATE: 9:00 a.m. – 2:00 p.m. EST, November 16, 2007; WORKSHOP 3, TIME AND DATE: 8:30 a.m. – 1:30 p.m. EST, November 27, 2007

PLACE: WORKSHOP 1 Department of Children and Families, 1317 Winewood Boulevard, Building 4, Tallahassee, FL 32399-0700; WORKSHOP 2 Department of Children and Families, 201 West Broward Boulevard, Suite 408, Ft. Lauderdale, FL 33301; WORKSHOP 3: University of South Florida, Louis De La Parte Mental Health Center, 13301 Bruce B. Downs Boulevard, Classroom G, Tampa, FL 33612

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Taffy Compain, Program Administrator, Office of Family Safety, 1317 Winewood Boulevard, Building 6, Room 147, Tallahassee, FL 32399-0700, Telephone: (850)487-2383

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or

rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2008 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

**SPECIFIC AUTHORITY:** 420.507, 420.508 FS.

**LAW IMPLEMENTED:** 420.509 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** October 26, 2007, following the Board Meeting at a time to be announced at the conclusion of the Board Meeting

**PLACE:** Jacksonville Hyatt Regency, 225 East Coast Line Drive, Jacksonville, Florida 32202

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS** available on Florida Housing's web site [www.floridahousing.org](http://www.floridahousing.org)

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees

67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments

**PURPOSE AND EFFECT:** The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2008 application and program

requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2007 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 26, 2007, following the Board Meeting at a time to be announced at the conclusion of the Board Meeting

PLACE: Jacksonville Hyatt Regency, 225 East Coast Line Drive, Jacksonville, Florida 32202

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steve Auger, Executive Director

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## Section II Proposed Rules

### DEPARTMENT OF REVENUE

#### Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.0011	Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations
12A-1.005	Admissions
12A-1.011	Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice
12A-1.0115	Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels,

Taverns, or Other Like Places of Business and by Transportation Companies.

12A-1.071 Rentals, Leases, or License to Use Tangible Personal Property

12A-1.097 Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed changes to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), is to update, consistent with current statutory provisions: (1) the application of tax on the sale of food products generally sold by grocery stores, convenience stores, supermarkets, bakeries, fish markets, produce markets, and other like places of business; (2) the application of tax on bakery products sold by bakeries, pastry shops, and like establishments; (3) the application of tax on the sale of water or ice; and (4) the application of tax on the sale of food products generally served, prepared, or sold in or by restaurants, lunch counters, cafeterias, caterers, hotels, taverns, or other like places of business.

When adopted, these rules will provide for the administration of sales tax relevant to grocery stores, supermarkets, convenience stores, and others that sell grocery items for the following:

- Sales of grocery items, both taxable and exempt
- Sales of bakery products for consumption on the premises and those sold for consumption off the premises
- Sales of taxable soft drinks and other beverages and tax-exempt 100% juice
- Sales of hot prepared food items sold by grocery stores
- Sales of packages containing both tax-exempt food items and other taxable items

These proposed rules, when adopted, will also provide for the administration of sales and use tax relevant to restaurants, lunch counters, cafeterias, hotels, taverns, caterers, transportation companies, tax-exempt organizations, or other places that sell prepared food items for the following:

- Meals, drinks, and food items that are taxable when prepared, served, or sold in such places of business
- The taxability of food and drinks served or sold in places where an admission is charged
- How to tax meals and food items purchased with coupons or other discounts
- When gratuities are subject to tax
- The exemption for food donated to a food bank or to organizations exempt from federal tax
- The exemption from tax on food or drinks furnished as part of a room package by hotels and other public lodging establishments

SUMMARY: The proposed amendments to Rule 12A-1.0011, F.A.C. (Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations), include meals or other prepared food products as examples of items sold for fundraising purposes.

The proposed amendments to Rule 12A-1.005, F.A.C., provide that fees charged for entrance to a restaurant, tavern, night club, or similar place of business are subject to tax.

The proposed substantial rewording of Rule 12A-1.011, F.A.C. (Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishment; Drinking Water; Ice), clarifies the application of tax on the sale of food products generally sold by grocery stores, convenience stores, supermarkets, bakeries, fish markets, produce markets, and other like places of business and on the sale of bakery products by bakeries, pastry shops, or like establishments. The provisions regarding the application of tax on food products generally served, prepared, or sold in or by restaurants, lunch counters, cafeterias, caterers, hotels, taverns, or other like places of business will be removed from the current rule and will be provided in Rule 12A-1.0115, F.A.C., as created. The current provisions of Rule 12A-1.011, F.A.C., are included in the substantial rewording of Rule 12A-1.011, F.A.C., or the creation of Rule 12A-1.0115, F.A.C., and, when necessary, are updated to be consistent with the provisions of Section 212.08(1), F.S., as amended by Chapter 98-408, L.O.F., regarding the taxability of food products.

The substantial rewording of Rule 12A-1.011, F.A.C., provides for the application of sales and use tax for the following: (1) examples of exempt food products for human consumption; (2) the exemption provided for food products prepared off the seller's premises when sold in the original sealed container or sliced into smaller portions; (3) bakery products when sold by bakeries, pastry shops, or like establishments that do not have eating facilities and bakery products when sold by such establishments that have eating facilities; (4) candy, gum, mints, and similar products; (5) food prepared on the seller's premises and sold for immediate consumption; (6) hot prepared food products; (7) sandwiches sold ready for immediate consumption; (8) novelty items and frozen dairy or nondairy products; (9) soft drinks, including nonalcoholic beverages, noncarbonated beverage made from milk derivatives, and beverages containing fruit or vegetable juices labeled under federal standards as containing less than 100% juice; (10) tea sold in liquid form; (11) drinking water, ice, and additives; (12) the exemption provided for samples or donated food products; (13) food stamps or vouchers issued under authority of federal law; and (14) packages containing both exempt food products and taxable food products or other items. The creation of Rule 12A-1.0115, F.A.C. (Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies), provides for the application of sales and use tax for the following: (1) food products generally served, prepared, or sold in or by restaurants, lunch counters, cafeterias, caterers, hotels, taverns, or other like places of business; (2) food products when sold by such establishments that also maintain a

separate department that includes groceries; (3) when tax is due on the purchase of, or the cost of furnishing, food products consumed in places where an admission is charged for entrance; (4) when sales tax is to be collected on food products separately itemized and priced from the admission charge to a patron; (5) sales of meal tickets or coupon books and coupons or discounts for food products; (6) the exemption provided for donated food products; (7) when tax is due on complimentary food products; (8) when tax is due on food products sold or furnished by employers to employees; (9) food products sold by airlines, railroads (except Amtrak), vessels, or other transportation companies to their passengers while in Florida; (10) food products served, prepared, or sold by caterers and event planners; (11) purchases, leases, and rentals by caterers or event planners; (12) gratuities consistent with the guidelines established by the court in *Green v. Surf Club, Inc.*, 136 So.2d 354 (Fla. 3rd DCA 1961), cert. den., 139 So.2d 694 (Fla. 1962); (13) fees for preparing or serving food products; (14) food products when furnished with living or sleeping accommodations at colleges or other institutions of higher learning; (15) the exemption provided for certain complimentary food and drinks provided by public lodging establishments; (16) food products when furnished with housing at labor camps or public housing quarters; (17) food products furnished at day care facilities, day camps, or other custodial camps; (18) the exemption provided to hospital patients and inmates or to residents of homes for the aged; (19) food products sold to or prepared and served by social clubs, civic clubs, or fraternal organizations; and (20) food products sold to or by nonprofit organizations, religious institutions, and organizations sponsoring a fundraising event.

The proposed amendments to Rule 12A-1.071, F.A.C. (Rentals, Leases, or License to Use Tangible Personal Property): (1) remove provisions regarding sales by caterers that will be provided in Rule 12A-1.0115, F.A.C., as created; and (2) remove provisions regarding water softening services that will be provided in Rule 12A-1.011, F.A.C., as substantially reworded.

The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), remove obsolete Form DR-46B (Examples of Nonalcoholic Preparations, Beverages and Drinks when Sold in Grocery Stores and Similar Establishments), which is no longer used by the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.



SPECIFIC AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (2), (8), (9), 212.08, 212.0821, 212.084(3), 212.085, 212.09, 212.096, 212.11(1)- (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 402.61, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), 616.260 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 5, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Parsons, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.0011 Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations.

(1) through (2) No change.

(3) SALES OF SCHOOL MATERIALS AND SUPPLIES AND FUND-RAISING ITEMS.

(a) through (b) No change.

(c)1. Schools offering grades K through 12 and parent-teacher associations or parent-teacher organizations whose primary purpose is to raise funds for such schools may pay tax to their suppliers on the cost price of items ~~instead in~~ ~~stead~~ of registering as a dealer, obtaining a Consumer's Certificate of Exemption, or collecting tax on their sales of the following taxable items:

a. No change.

b. Items sold for fund raising purposes, such as meals or other prepared food products, candy, photographs, greeting cards, wrapping paper, and similar fund raising items.

c. through (5) No change.

Specific Authority 212.17(6), 212.18(3), 213.06(1) FS. Law Implemented 212.04(2)(a), 212.08(7)(o), (r), ~~(ll)~~ ~~(mm)~~, 212.0821 FS. History--New 6-19-01, Amended \_\_\_\_\_.

12A-1.005 Admissions.

(1) through (2) No change.

(3) TAXABLE ADMISSIONS AND PARTICIPATION FEES. The following paragraphs contain examples of admission charges that are subject to tax, unless such admissions are specifically exempt under the provisions of Section 212.04(2), F.S. This list is not intended to be an exhaustive list.

(a) through (h) No change.

(i) Fees charged for entrance to a restaurant, tavern, night club, or similar place of business are subject to tax.

(i) through (m) renumbered (j) through (n) No change.

(4) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1), 212.04, 212.08(6), (7), 616.260 FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 7-19-72, 12-11-74, 9-28-78, 7-3-79, 12-3-81, 7-20-82, Formerly 12A-1.05, Amended 1-2-89, 12-16-91, 10-17-94, 3-20-96, 3-4-01, 10-2-01, 4-17-03, 6-28-05, \_\_\_\_\_.

(Substantial Rewording of Rule 12A-1.011 follows. See Florida Administrative Code for present text.)

12A-1.011 Sales of Food Products and Drink for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business.

(1)(a) Section 212.08(1), F.S., exempts food products for human consumption, with certain exceptions. The purpose of this rule is to clarify the application of tax on the sale of food products generally sold in or by grocery stores, convenience stores, supermarkets, bakeries, fish markets, produce markets, and other like places of business. This rule is also intended to clarify the application of tax on the sale of bakery products by bakeries, pastry shops, or like establishments and on the sale of drinking water or ice.

(b) Rule 12A-1.0115, F.A.C., is intended to clarify the application of tax on food products generally served, prepared, or sold in or by restaurants, lunch counters, cafeterias, caterers, hotels, taverns, or other like places of business.

(2) TAX-EXEMPT FOOD PRODUCTS.

(a) Food products for human consumption, whether processed, cooked, raw, canned, or in any other form which is generally regarded as food, are exempt. The following is a non-exhaustive list of exempt food products:

1. Baby foods and baby formulas;
2. Baked goods and baking mixes, including ready-to-eat and ready-to-bake products;
3. Baking and cooking items advertised and normally sold for use in cooking or baking, such as chocolate morsels, flavored frostings, glazed or candied fruits, marshmallows, powdered sugar, or food items intended for decorating baked goods;
4. Cereals and cereal products, including ready-to-eat, instant, regular hot cereals;
5. Cheeses, including cured and whey cheese, cream, natural, grating, processed, spread, dip, and other miscellaneous cheeses;
6. Cocoa;
7. Coffee and coffee substitutes;
8. Condiments and relishes, including seasoning sauces and spreads, such as mayonnaise, ketchup, or mustard;
9. Cookies, including chocolate-coated or cream-filled;
10. Dairy products;
11. Dairy substitutes;
12. Dietary supplements (including herbal supplements) and meal replacements, including liquid food supplements and nutrition bars, including those that are candy-coated or chocolate-coated;
13. Eggs and egg products, including liquid, frozen, or dried eggs;
14. Fish, shellfish, and other seafood products, whether fresh or frozen;
15. Food coloring;
16. Frozen dinners and other frozen food products;
17. Fruit (including fruit sliced, chunked, or otherwise cut by the retailer), fruit snacks, fruit roll-ups, and dried fruit, including those sweetened with sugar or other sweeteners;
18. Gelatins, puddings, and fillings, including flavored gelatin desserts, puddings, custards, parfaits, pie fillings, and gelatin base salads;
19. Grain products and pastas, including macaroni and noodle products, rice and rice dishes;
20. Honey;
21. Ice cream, frozen yogurt, sherbet, and similar frozen dairy or nondairy products sold in units larger than one pint;
22. Jams and jellies;
23. Marshmallows;
24. Meat and meat products;
25. Meat substitutes;

26. Milk, including natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, buttermilk, half and half, whipping cream, condensed milk, evaporated milk, powdered milk, or similar milk products, and products intended to be mixed with milk;

27. Natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit juices in any form, whether frozen or unfrozen, aerated, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned. Only those juices that are permitted by federal law and regulation to be labeled "100 percent juice" or "100 percent juice with added [filled in with a term such as "ingredient(s)," "preservative," or "sweetener," as appropriate]" will be considered natural fruit or vegetable juices. [Title 21 (Food and Drug), Chapter 9 (Federal Food, Drug, and Cosmetic Act), Subchapter IV (Food) 21 U.S.C. ss. 341; 343 (January 24, 2002)]; [21 C.F.R. Ch. 1, ss. 101.30; 102.5; 102.33, 146.114-146.187; 156.3; 156.145 (4-1-06)].

28. Peanut butter;

29. Poultry and poultry products;

30. Salad dressings and dressing mixes;

31. Salt, salt tablets, pepper, spices, seeds, herbs, seasonings, blends, extracts, and flavorings, whether natural or artificial;

32. Sandwich spreads;

33. Sauces and gravies;

34. Snack foods, including chips, corn chips, potato chips, cheese puffs and curls, cereal bars, cracker jacks, granola bars, nuts and edible seeds, pork rinds, and pretzels, whether such products are chocolate-coated, honey-coated, or candy-coated.

35. Soups and soup mixes;

36. Sugar, sugar products, and sugar substitutes;

37. Tea (including herbal tea), unless sold in a liquid form;

38. Vegetables and vegetable products;

39. Vegetable oils, lard, olive oil, shortenings, and oleomargarine.

(b) Food products prepared off the seller's premises are exempt when:

1. Sold in the original sealed container;

2. Sliced into smaller portions; or

3. The product is sold frozen and then heated on the seller's premises by the customer.

(c) Taxpayers who have a question regarding the taxable status or exempt status of a food product may submit a written description of the food product and a copy of the food product label to the Department to obtain a determination of the taxability of the product. This request should be addressed to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443.

(3) BAKERY PRODUCTS SOLD BY BAKERIES, PASTRY SHOPS, OR LIKE ESTABLISHMENTS.

(a) Bakery products sold by bakeries, pastry shops, or like establishments as hot prepared food products are taxable.

1. Bakery products that are kept warm by a heat source used to maintain them in a heated state, or to reheat them, are hot prepared food products.

2. Bakery products that are sold while still warm from the initial baking are not hot prepared food products.

3. Example: A bakery establishment toasts a bagel for a customer. The sale of the bagel is subject to tax, whether the bakery establishment has eating facilities or does not have eating facilities.

(b)1. Bakery products, excluding bakery products sold for consumption off the premises, sold by bakeries, pastry shops, or like establishments that have eating facilities are subject to tax.

2. For purposes of this subsection, "eating facility" is a place which facilitates the consumption of the bakery products on the seller's premises on items such as benches, chairs, stools, tables, and counters. For example, a pastry shop that has bar stools and a counter where the bakery products and drinks are served to patrons will be considered a pastry shop with eating facilities. A bakery located within the food court of a mall where tables and chairs are located in the common areas of the food court for patrons to consume food products will be considered a bakery with eating facilities.

(c)1. Bakery products, excluding items sold as hot prepared food products, sold for consumption off the premises are exempt.

2. For the purpose of this paragraph, there shall be a rebuttable presumption that the sale of bakery products by bakeries, pastry shops, or like establishments that have eating facilities are taxable when:

a. Such bakery products are sold in quantities of five (5) or fewer items; or

b. The bakery products sold, regardless of the quantity, are not packaged in a manner consistent with an intention by the customer to consume the products off the seller's premises.

3. Bakery products that are sold, regardless of the quantity, in packaging that is glued, stapled, wrapped, or sealed are examples of packaging consistent with an intention by the customer to consume products off the seller's premises.

4. Bakeries, pastry shops, or like establishments that have eating facilities and make tax-exempt sales of bakery products that are for consumption off the premises are required to separately account for the tax-exempt sales of bakery products for consumption off the premises.

a. Examples of methods to separately account for tax-exempt sales of bakery products for consumption off the premises are: using sales invoices which contain documentation that the sales of the bakery product is for consumption off the premises; using a separate key on a cash

register to record tax-exempt sales of bakery products; or using a separate cash register to record tax-exempt sales of bakery products.

b. Example. A bakery operates an establishment with eating facilities. The bakery sells donuts, toasted bagels, and other pastries, as well as coffee and other drinks. The bakery sells bakery products to patrons who take the products home for consumption in sealed containers. Products sold for consumption on the premises are served to the customers on trays. The bakery uses separate keys on its cash registers to account for the sales of tax-exempt bakery products to patrons who purchase the products for consumption off the premises in sealed containers separately from the accounting for taxable sales of toasted bagels, coffee, other drinks, and bakery products for consumption on the premises. The bakery products sold for consumption off the premises are exempt because the bakery's packaging and accounting methods overcome the rebuttable presumption that the products are sold for consumption on the premises.

(d) Bakery products, excluding items sold as a hot prepared food products, that are sold by bakeries, pastry shops, or like establishments that do not have eating facilities are exempt.

(4) TAXABLE FOOD PRODUCTS. The exemption for food products for human consumption does not apply to any of the items specified in this subsection.

(a) Candy, chewing gum, bubble gum, breath mints, and any similar product regarded as candy or confection, based on its normal use as indicated on the label or advertising, is subject to tax. The term "candy and similar products" does not include snack foods not regarded as candy or confection, as indicated on the label or advertising of the product.

(b) Food prepared, whether on or off the seller's premises, and sold for immediate consumption is subject to tax. This does not apply to food prepared off the seller's premises and sold in the original sealed container, or to the slicing of products into smaller portions.

1. Food prepared for immediate consumption is food prepared to a point generally accepted as ready to be eaten without further preparation and that is sold in a manner that suggests readiness for immediate consumption. In determining whether an item of food is sold for immediate consumption, the customary consumption practices prevailing at the selling facility shall be considered.

2. Examples:

a. Potato salad is prepared and delivered to a dealer in bulk. The dealer repackages the potato salad into smaller containers. Because the potato salad is not sold in the original container, the sale of the repackaged smaller containers of potato salad is subject to tax.

b. A grocery store buys cold cuts in five-pound packages. The grocery store slices cold cuts for the customer according to the thickness and the amount the customer desires. The food is

then packaged for sale to the customer. Because the cold cuts are sliced into smaller portions, the sale of the cold cuts is exempt from tax.

c. A supermarket offers freshly popped popcorn for shoppers for sale. The sale of the popcorn is subject to tax.

d. A supermarket prepares seafood products, such as smoked fish or steamed shrimp, for sale. The sale of the smoked or steamed shrimp is subject to tax.

e. A supermarket prepares fruit and vegetable products into various fresh salads for sale. When packaged without eating utensils and sold as a grocery item, the sale of the prepared fresh fruit or vegetable salad is exempt. When the prepared fresh salads are packaged with eating utensils, such as with a fork and a napkin, the salad is a food product prepared and sold for immediate consumption and is subject to tax.

(c)1. Hot prepared food products, whether sold separately or in combination with other food items, when the food is heated by the seller rather than by the customer, is subject to tax.

2. Hot prepared food products are those products, items, or components that have been prepared for sale in a heated condition and sold at any temperature that is higher than the air temperature of the room or place where the products are sold. Preparation of a "hot prepared food product" includes cooking, microwaving, warming, toasting, or any other method of heating the food. Food products, including bakery products, are considered "hot prepared food products" when a heat source is used to maintain the food product in a heated state or is used to reheat the food product. Bakery products that are sold while still warm from the initial baking are not "hot prepared food products." Their temperature is a result of the timing of the customer's purchase rather than an indication of preparation to be sold in a heated condition.

3. When a single price is charged for a combination of hot prepared food products and cold food items or other components, the single price charged for the combination is subject to tax.

4. Examples:

a. A supermarket sells barbecued chicken that is kept hot by a rotisserie to be taken home and eaten. The sale of the chicken is subject to tax.

b. A grocery store bakes bread in an oven. The bread is packaged for sale while it is still warm. A customer purchases a package of the bread while it is still warm. The sale of the warm bread is not subject to tax.

c. A single price is charged for a combination of a hot meal, hot pizza, hot specialty dish, or hot sandwich, with cold components, such as a salad or fruit or other side items, by a convenience store. The single price charged for the combination is subject to tax.

(d) Sandwiches sold ready for immediate consumption, whether refrigerated or heated by the customer or by the retailer, are subject to tax. An example of a sandwich not sold ready for immediate consumption would be a frozen sandwich or a sandwich with a frozen or partially frozen filling.

(e) Meals sold for consumption on or off the seller's premises are subject to tax.

(f) Ice cream, frozen yogurt, and similar frozen dairy or nondairy products in cones, small cups, or pints, and popsicles, frozen fruit bars, or other novelty items, whether sold separately or in multiple units, are subject to tax.

(5) TAXABLE SOFT DRINKS. The exemption for food products for human consumption does not apply to soft drinks. The following sales of soft drinks are subject to tax:

(a) Nonalcoholic beverages, whether carbonated or noncarbonated.

(b) Any noncarbonated beverage made from milk derivatives, such as ice cream sodas, milkshakes, or malts.

(c) Any beverages and preparations commonly referred to as a "soft drink," such as sodas, soda water, ginger ale, colas, root beer, tonic, fizzes, or cocktail mixes.

(d) Any beverage containing fruit or vegetable juice labeled with the word(s) "ade," "beverage," "cocktail," "drink," or "fruit or vegetable flavor, flavored, or flavorings." Federal law and regulations require that any beverage containing more than 0 percent juice, but less than 100 percent fruit or vegetable juice, which represents or suggests by its physical characteristics, name, labeling, ingredient statement, or advertising that it contains fruit or vegetable juice, be labeled in a manner that is appropriate to advise the consumer that the product is less than 100 percent juice. [Title 21 (Food and Drug), Chapter 9 (Federal Food, Drug, and Cosmetic Act), Subchapter IV (Food) 21 U.S.C. ss. 341; 343 (January 24, 2002)]; [21 C.F.R. Ch. 1, ss. 101.30; 102.5; 102.33, 146.114-146.187; 156.3; 156.145 (4-1-06)]. Examples of taxable beverages include: apple blend, cranberry juice cocktail, grape juice beverage, lemonade, limeade, orangeade, raspberry and cranberry flavored drink, fruit drink, fruit punch, diluted fruit juices, and diluted vegetable juices.

(e) Tea sold in a liquid form.

(6) VENDING MACHINES AND MOBILE VENDORS. Food products sold through a vending machine, push cart, motor vehicle, or any other form of vehicle are subject to tax. See Rule 12A-1.044, F.A.C., for sales through vending machines.

(7) WATER AND ICE.

(a)1. Drinking water, including water enhanced by the addition of minerals, sold in bottles, cans, or other containers is exempt, except when carbonation or flavorings has been added to the water in the manufacturing process. When carbonation or flavorings is added to drinking water at a water treatment facility, the sale of the drinking water in bottles, cans, or other containers remains exempt.

(b) The sale of ice, including dry ice, is subject to tax, except when the ice is purchased for use as a packaging material to package food products for sale. See Rule 12A-1.040, F.A.C., for provisions for packaging materials.

(c) Fluoride used in the treatment of drinking water is exempt.

(d) Germicides (such as chlorine), sodium silicate, activated charcoal, and similar purification agents used in the treatment of drinking water are exempt.

(e) The charge for water conditioning services, such as water softening services, is not subject to tax. The sale of salt for use in water softeners to regenerate the minerals required for softening water is not the sale of a purification agent used in the treatment of drinking water and is subject to tax.

#### (8) COMPLIMENTARY AND DONATED FOOD PRODUCTS.

(a)1. Dealers that primarily sell food products at retail are not subject to sales or use tax on any food or drink provided without charge as a sample or for the convenience of customers, even when cooked or prepared on the dealer's premises. For example, hot coffee provided in a grocery store for shoppers is not subject to sales or use tax.

2. Dealers that primarily sell food products at retail are not subject to sales or use tax on any item given to a customer as part of a price guarantee plan related to point-of-sale errors.

3. The exemption, as provided in this paragraph, does not apply to businesses whose primary activity is to serve prepared meals or alcoholic beverages for immediate consumption.

(b) Dealers that sell food products at retail are not subject to sales or use tax on any food product donated to a food bank or an organization determined to be currently exempt from federal income tax pursuant to s. 501(c) of the Internal Revenue Code of 1986, as amended.

#### (9) FOOD STAMPS AND VOUCHERS.

(a) Food products are exempt when purchased with food stamps issued by the United States Department of Agriculture, or with Special Supplemental Food Program for Women, Infants, and Children (WIC) vouchers issued under authority of federal law.

(b) When a purchase of food products is made partly with food stamps or vouchers and partly with cash or manufacturer's coupons, the food stamps or vouchers will first be used to defray the cost of the taxable food and drinks, less the value of any manufacturer's coupons, that can be purchased with the food stamps or vouchers. When the food stamps or vouchers are insufficient to purchase the taxable items, tax is due on the remaining sales price of taxable food and drinks.

#### (10) MULTIPLE ITEMS PACKAGES.

(a) When a package contains both exempt food products and taxable tangible personal property (e.g., a basket of food and candy, a basket of nuts, or decorated cans or glasses filled with food items) and the tax-exempt food products are

separately itemized and priced from the taxable tangible personal property, no tax is due on the tax-exempt food products.

(b) When the total charge for a package containing both exempt food products and taxable tangible personal property is a single charge, the application of tax depends upon the essential character of the complete package, as follows:

1. When the taxable tangible personal property represent more than twenty-five (25) percent of the value of the package, the total charge is subject to tax.

2. When the taxable tangible personal property represent twenty-five (25) percent or less of the value of the package, the total sale is exempt. The seller is required to pay tax on any taxable items included in the package that were purchased tax-exempt for the purposes of resale. The cost price of any promotional items included in the package is subject to tax.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), 212.07(2), 212.08(1), (4)(a)1., (7)(oo), (pp), 212.18(2) FS. History-Revised 10-7-68, 6-16-72, 9-28-78, 10-29-81, Formerly 12A-1.11, Amended 12-8-87, 1-2-89, 8-10-92, 6-19-01, 4-17-03,\_\_\_\_\_.

12A-1.0115 Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies.

#### (1) SCOPE.

(a) Section 212.08(1), F.S., exempts food products for human consumption, with certain exceptions. The purpose of this rule is to clarify the application of tax on food products generally served, prepared, or sold in or by restaurants, lunch counters, cafeterias, caterers, hotels, taverns, or other like places of business where food products are sold for immediate consumption on the seller's premises or packaged or wrapped and taken away from the seller's premises.

(b) Rule 12A-1.011, F.A.C., is intended to clarify the application of tax to the sale of food products generally sold by grocery stores, convenience stores, supermarkets, bakeries, fish markets, produce markets, and other like places of business, the sale of bakery products by bakeries, pastry shops, and like establishments, and the sale of drinking water or ice.

#### (2) FOOD PRODUCTS SERVED, PREPARED, OR SOLD IN OR BY RESTAURANTS OR SIMILAR PLACES OF BUSINESS.

(a) Food products served, prepared, or sold in or by restaurants, lunch counters, cafeterias, hotels, taverns, or other similar places of business are subject to tax.

(b) Food products that are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware are subject to tax. The food products are subject to tax, even though the tables, chairs, or

counters and the trays, glasses, dishes, and other tableware may be provided by a person with whom the dealer contracts to furnish, prepare, or serve the food products to others.

(c) Food products that are ordinarily sold for immediate consumption on the seller's premises or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location are subject to tax. The food products remain subject to tax even when the product is sold on a "take out" or "to go" basis and are packaged or wrapped and taken away from the dealer's facility. The customary practices prevailing at the dealer's facility will be used to determine whether a food product is sold for immediate consumption at the selling facility. The premises of a caterer with respect to catered meals or beverages is the place where such meals or beverages are served.

(d) Restaurants, lunch counters, cafeterias, hotels, taverns, or other like places of business that also maintain a separate department that includes groceries are not required to collect tax on tax-exempt sales of food products, as provided in Rule 12A-1.011, F.A.C., when separate records are maintained for the separate department; however, food products that are sold as prepared food through a separate department are subject to tax.

### (3) FOOD PRODUCTS CONSUMED IN PLACES WHERE AN ADMISSION IS CHARGED.

(a) Food products are subject to tax when furnished, served, prepared, or sold on the premises of a place where admission is charged for entrance. The term "premises" will be construed broadly to include: the lobby, aisle, or auditorium of a theater; the seating, aisle, or parking area of an arena, rink, or stadium; the parking area of a drive-in or outdoor theater; or similar places.

(b) When food products are furnished to patrons who have paid an admission charge for entrance as a part of that admission charge and there is no separately itemized charge to the patron for the food products, tax is due on the cost of the food products furnished. When the food products are purchased from a caterer, restaurant, or similar establishment, tax is due on the total charge made by the caterer, restaurant, or similar establishment.

(c) When the charges for food products are separately itemized and priced from the admission charge to the patron, tax is required to be collected on the sales price of the food products. (See Rule 12A-1.005, F.A.C., for admission charges.) Food products that are separately itemized and sold to the patron may be purchased for resale, as provided in Rule 12A-1.039, F.A.C.

(4) VENDING MACHINES AND MOBILE VENDORS. Food products sold through a vending machine, push cart, motor vehicle, or any other form of vehicle are subject to tax. See Rule 12A-1.044, F.A.C., for sales through vending machines.

### (5) COUPONS, DISCOUNTS, AND DONATED FOOD PRODUCTS.

(a) When a dealer sells two meals for the price of one meal, the dealer is required to collect tax on the total amount charged. No tax is due on the second meal.

(b) The sale of a meal ticket or coupon book to be redeemed for the purchase of food products is not subject to tax at the time of sale. When the ticket or coupon is redeemed by a customer when purchasing food products, the seller of the food products is required to collect the tax on the total consideration received, including the value of the ticket or coupon redeemed, and any additional compensation received by the seller for furnishing the food product to the customer.

(c) When the seller provides customers a food product without charge after purchasing a designated number of food products, tax is due on the sales price of the food products sold. No tax is due on the item provided to the customer without charge. For example, a sandwich shop offers customers a coupon that will entitle the customer to receive a free sandwich after purchasing five sandwiches. When the customer's coupon indicates that the customer has purchased five sandwiches, the customer redeems the coupon for the free sandwich. The sandwich shop is required to collect tax on the sale of the first five sandwiches. No tax is due on the sandwich provided, without charge, to the customer, who has purchased the required five sandwiches.

(d) A dealer whose primary business activity is serving food products or alcoholic beverages for immediate consumption is required to pay tax on the cost price of food products provided to customers without charge. Examples of items served without charge to customers are coffee, popcorn, nuts, chips, and pretzels.

(e) Dealers that sell food products at retail are not subject to tax on any food product donated to a food bank or an organization determined to be currently exempt from federal income tax pursuant to s. 501(c) of the Internal Revenue Code of 1986, as amended.

### (6) FOOD PRODUCTS SOLD OR FURNISHED BY RESTAURANTS OR SIMILAR PLACES OF BUSINESS TO EMPLOYEES.

(a) Food products furnished by an employer for his convenience to employees is not subject to sales tax, provided no cash changes hands as payment for the food products furnished and the assigned value of the food products is not required to be reported as income to the employee for federal income tax purposes.

(b) Food products sold by a restaurant to its employees are subject to tax.

(c) Food products consumed by the owner and his family are not subject to sales tax.

### (7) TRANSPORTATION COMPANIES.

(a) Food products sold ready for immediate consumption by airlines, railroads (except Amtrak), vessels, or other transportation companies to their passengers, while within Florida, are subject to tax. A transportation company may extend a copy of its Annual Resale Certificate to the selling dealer instead of paying tax on the purchase of food products for purposes of resale to their passengers.

(b)1. Transportation companies, except Amtrak, are required to pay tax on their purchases of meals and food products ready for immediate consumption when:

a. The food products are delivered to the transportation company in this state, whether consumed in this state or outside this state;

b. The food products are furnished to the passengers; and

c. There is no separately itemized charge to the passenger for the food product.

2. For the partial exemption available to airlines, see Section 212.0598, F.S. For the partial exemption available to vessels engaged in interstate or foreign commerce under Section 212.08(8), F.S., see Rule 12A-1.0641, F.A.C.

(c) The purchase or sale of food products ready for immediate consumption by Amtrak, an instrumentality of the United States government, is not subject to tax.

#### (8) SALES OF FOOD PRODUCTS BY CATERERS.

(a) For purposes of this rule, the term "caterer" means any person engaged in the business of furnishing food products on the premises of the customer, or on premises supplied by the customer, including premises leased by the customer from a person other than the caterer. The term does not include employees hired directly by the customer by the hour or day to serve food products provided by the customer.

(b) The total charge made by caterers for furnishing food products is subject to tax. Any separately itemized charge for the use of dishes, silverware, glasses, chairs, tables, tablecloths, and similar items, or for the labor of furnishing the food products, whether performed by the caterer, the caterer's employees, or persons contracting with the caterer, is subject to tax.

(c) Tax applies to charges by a caterer, or any other person, for planning, designing, coordinating, or supervising an event when the charges to the customer are made in connection with the furnishing of food products at the event. Tax does not apply to charges for services unrelated to the furnishing and serving of meals and beverages, such as entertainment charges, when the charges are separately itemized and separately priced to the customer on the customer's bill, invoice, statement, or other evidence of sale.

(d) Caterers may rent, lease, or purchase tangible personal property for purposes of resale tax-exempt by extending a copy of their Annual Resale Certificate to the selling dealer instead of paying tax when:

1. The property is rented, leased, or purchased exclusively for resale or re-rental to the caterer's customers;

2. The charge to the customer is separately itemized on the customer's bill, invoice, statement, or other evidence of sale; and

3. The applicable tax is collected from the customer on the separately itemized charge for the rental, lease, or sale of the property.

(e) When a caterer sells food products, including any charges for serving the food products, to other caterers or event planners for the purpose of resale, the caterer may accept a copy of the purchaser's Annual Resale Certificate instead of collecting tax from the purchaser. The purchasing caterer or event planner is required to collect the applicable tax from his or her customer on the sale of the food products.

(f) Organizations that hold a valid Consumer's Certificate of Exemption may extend a copy of their certificate to the caterer or event planner to purchase food products used in the normal nonprofit activities of the organization tax-exempt. See subsection (15).

#### (9) GRATUITIES AND OTHER FEES FOR PREPARING OR SERVING FOOD PRODUCTS.

(a) Any charge made by a dealer to a customer for gratuities, tips, or similar charges is a part of the taxable sales price of the food or drinks except when:

1. The charge is separately stated as a gratuity, tip, or other charge on the customer's receipt or other tangible evidence of sale; and

2. The dealer does not receive, either directly or indirectly, any monetary benefit from such gratuity, tip, or other similar charge. Any fee imposed by a credit card company upon the dealer is not construed as the retention of such monies by the dealer. Any portion of the gratuity, tip, or other similar charge withheld by the dealer for purposes of payment of the employee's share of social security, withheld as federal income tax, or withheld pursuant to judicial or administrative orders is not construed as retention of such monies by the dealer.

(b) The charge for room service made by hotels for serving meals in guests' rooms is included in the total price of the meal and is subject to tax.

(c) Service charges, minimum charges, corkage fees, setup fees, or similar charges imposed by a restaurant, tavern, nightclub, or other like places of business as part of the charge for furnishing, serving, or preparing food products are subject to tax.

(d) The charge for the preparation of food products furnished by the customer to the person who prepares the food product for immediate consumption on the premises of the preparer, or who packages or wraps the food products to be taken away from the preparer's premises, is subject to tax.

#### (10) FOOD PRODUCTS FURNISHED WITH LIVING OR SLEEPING ACCOMMODATIONS.

(a) Food products served or sold at community colleges, junior colleges, and other institutions of higher learning, or fraternities and sororities, are subject to tax. If a lump sum

amount is charged by the institution for living or sleeping accommodations and meals, a portion of the lump sum amount must be allocated to the sale of food products to reasonably reflect the value of the food products. Tax is due on the portion that is reasonably allocated to the sale of the food products.

(b)1. Public lodging establishments that advertise that they provide complimentary food and drinks are not required to pay sales or use tax on food or drinks when:

a. The food or drinks are furnished as part of a packaged room rate;

b. No separate charge or specific amount is stated to the guest for such food or drinks;

c. The public lodging establishment is licensed with the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; and

d. The public lodging establishment rents or leases transient accommodations that are subject to sales and use tax.

2. The public lodging establishment may extend a copy of its Annual Resale Certificate to the selling dealer to purchase food and drinks used for this purpose tax-exempt, as provided in Rule 12A-1.039, F.A.C.

#### (11) DAY NURSERIES AND CUSTODIAL CAMPS.

(a) Day care facilities, nurseries, kindergartens, day camps, and custodial camps that primarily provide professional and personal supervisory and instructions services are not required to collect tax on their charges to the students or campers for providing food products as part of their services. However, when the charges for the furnishing of meals and beverages are separately itemized and separately priced to the student or camper, tax is required to be collected on the sales price of the meals and beverages.

#### (12) MEALS SERVED AT LABOR CAMPS.

(a) Labor camps and commercially operated public housing quarters are operated to house and feed workers on a contract basis. The provisions of this subsection are intended to provide the taxability of the housing and meals provided to workers under such contracts.

(b) When the contract provides for meals, and no housing is furnished under the contract, the charge for the meals is subject to tax.

(c)1. When the contract provides for housing and meals for the workers, the charge for meals is subject to tax.

2. When the contract provides for housing for the workers but the workers buy groceries and prepare their own meals, no tax is due on the prepared meals.

(d) Workers residing in public housing quarters or labor camps may enter into agreements under which one worker is appointed to purchase groceries and prepare all food products. The worker may be selected and directed by the group of workers or may be designated and directed by the employer. The employer may deduct from each employee's wages the pro

rata share of the groceries purchased for the group or a contracted charge for the meals prepared and served by the employer's designated cook.

1. When the employees select the designated worker to purchase groceries and prepare meals, no tax is due on the amount deducted by the employer for each employee's pro rata share of the cost of the groceries purchased by the designated worker.

2. When the employer selects the worker to be the designated cook who prepares all meals, tax is due on the amount deducted from the employee's wages by the employer for the meals.

#### (13) MEALS FURNISHED BY HOSPITALS AND HOMES FOR THE AGED.

(a) Meals furnished to residents of homes for the aged, as defined in Section 212.08(7)(i), F.S., are exempt.

(b) Meals furnished to patients and inmates of any hospital or other institution designed and operated primarily for the care of persons who are ill, aged, infirm, mentally or physically incapacitated or for any reason dependent upon special care or attention are exempt.

(c) Meals sold and delivered as a charitable function by a nonprofit volunteer organization to handicapped, elderly, or indigent persons at their residences are exempt.

#### (14) FOOD PRODUCTS SOLD TO OR BY SOCIAL CLUBS.

(a) Food products sold to members of a social club, civic club, or fraternal organization that does not hold a valid Consumer's Certificate of Exemption are subject to tax. Examples of social clubs, civic clubs, or fraternal organizations are athletic clubs, country clubs, and community clubs (e.g., YMCA, YWCA, YMHA, and YWHA).

(b) Food products sold by any social club, civic club, or fraternal organization, including organizations that hold a Consumer's Certificate of Exemption, are subject to tax.

(c) Social clubs, civic clubs, and fraternal organizations that furnish food products to their members or guests without charge, such as food products served at meetings, luncheons, or dinners, are required to pay tax on the total cost of the food products furnished or served by a caterer, restaurant, or similar establishment. When club members purchase groceries and prepare the food products to serve to members and guests without charge, no tax is due on the preparation of the food products. For example, an athletic club that does not hold a valid Consumer's Certificate of Exemption purchases meals from a local restaurant to serve to athletes, without charge, at an event held by the club to honor the athletes. The athletic club is required to pay tax on the total amount charged by the restaurant. If the members of the club buy groceries and prepare the meals themselves, the club is not required to pay tax on the cost of preparing the meals.



(d) When the charges for the furnishing of meals and beverages are separate and apart from the payment of membership dues, the meals and beverages are considered to be sold and the charges are subject to tax. If a club or fraternal organization indicates on its dues invoices, membership billing statements, dues notices, or membership applications that a specified portion of the dues payment is attributed to the furnishing of food products, the specified portion attributed to the furnishing of food products is subject to tax.

(15) FOOD PRODUCTS PREPARED, SERVED, OR SOLD BY NONPROFIT ORGANIZATIONS.

(a) Food products sold at fundraisers and similar types of events are subject to tax, unless such sales qualify as occasional sales, as provided in Rule 12A-1.037, F.A.C. For the taxability of food products sold as fundraisers by schools offering grades K through 12, or by parent-teacher associations or parent-teacher organizations, see Rule 12A-1.0011, F.A.C.

(b) Food products are exempt when sold by a religious institution that has an established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on and that holds a valid Consumer's Certificate of Exemption.

(c) When food products are furnished to patrons by a sponsoring organization as part of a fundraising event and the contribution paid by the patron to the organization bears no relationship to the cost of the food products served at the event, the sponsoring organization is required to pay the applicable tax due on the amount charged by the restaurant or caterer to the sponsoring organization. Any sponsoring organization that holds a valid Consumer's Certificate of Exemption may extend a copy of its certificate to the restaurant or caterer to purchase food products tax-exempt when the food products are used in the normal nonprofit activities of the organization.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), 212.07(2), 212.08(1), (4)(a)1., (7)(i), (k), (m), (oo) FS. History—New \_\_\_\_\_.

12A-1.071 Rentals, Leases, or License to Use Tangible Personal Property.

(1) through (32) No change.

~~(33) Caterers are required to pay tax on the purchases or rentals of all dishes, tables, chairs, silver, linens, kitchen utensils, artificial palms, and other items used by them in the conduct of their business. The caterer should pay tax to his supplier and should not furnish the supplier with a resale certificate, except in those instances where he is purchasing or renting such items exclusively for rental and for which he makes a separate charge to his customer.~~

(34) through (36) renumbered (33) through (35) No change.

~~(37) The charge for water conditioning (soft water service) is exempt. The dealer shall pay tax on the acquisition of tanks, minerals, and other equipment used in furnishing such service, unless such materials and supplies are actually sold to the customer.~~

(38) through (47) renumbered (36) through (45) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1), (4), (10)(g), (12), (14)(a), (15)(a), (16), (19), 212.04, 212.05(1)(c), (d), (f), (h), (i), 212.06(1)(a), (2)(e), (8), 212.08(7)(e), (f), (v), (y), 212.11(2), (3), 212.12(9), 212.18(2), 402.61 FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 12-11-74, 12-31-81, 7-20-82, Formerly 12A-1.71, Amended 1-2-89, 10-5-92, 11-16-93, 8-15-94, 10-17-94, 3-20-96, 8-1-02, 6-12-03, 9-28-04, \_\_\_\_\_.

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
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(2) through (14) No change.

(15)(a) DR 46B	<del>Sales Tax Status of Some Nonalcoholic Preparations, Beverages and Drinks When Sold In Grocery Stores and Similar Establishments (r. 10/89)</del>	08/92
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~~(b) No change.~~

(16) through (23) No change.

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) F.S. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.08(1)(a), 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 06-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Parsons, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Zych, Director, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)488-2576

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), were noticed in the Florida Administrative Weekly on March 11, 2005 (Vol. 31, No. 10, pp. 931-946) and on March 23, 2007 (Vol. 33, No. 12, pp. 1372-1384). Rule development workshops were held on March 29, 2005, and on April 18, 2007. In response to public comment, changes have been made to the proposed rule amendments

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.:	RULE TITLE:
12A-1.008	Newspapers, Community Newspapers, Shoppers, Magazines and Other Periodicals

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.008, F.A.C. (Newspapers, Community Newspapers, Shoppers, Magazines and Other Periodicals), is to provide the administrative requirements for the exemption provided in Section 212.08(7)(ddd), F.S., created by Chapter 2006-144, L.O.F., for certain advertising materials distributed free of charge by mail in an envelope.

SUMMARY: The proposed amendments to Rule 12A-1.008, F.A.C. (Newspapers, Community Newspapers, Shoppers, Magazines and Other Periodicals), provide: (1) that materials consisting exclusively of advertisements from 10 or more persons (advertisers) which are distributed free of charge in an envelope by mail on a monthly, bimonthly, or other regular basis are exempt from sales and use tax, as provided in Section 212.08(7)(ddd), F.S.; and (2) how to purchase materials that will be incorporated into the advertisements tax-exempt at the time of purchase.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.02(4), 212.05(1)(a), (b), (h), 212.0515(1), (2), 212.06(1)(a), (b), (16), 212.07(1), (2), 212.08(7)(o), (v), (w), (yy), (ddd), 212.18(3)(a) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 5, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.008 Newspapers, Community Newspapers, Shoppers, Magazines and Other Periodicals.

(1) through (4) No change.

(5) ADVERTISING MATERIALS DISTRIBUTED FREE OF CHARGE.

(a) Certain advertising materials are exempt from sales and use tax only if the materials:

1. Consist exclusively of advertisements, such as individual coupons or other individual cards, sheets, or pages of printed advertising, and

2. Are distributed free of charge by mail in an envelope; and

3. The envelope contains advertisements from 10 or more persons (advertisers).

(b) Sales and use tax is not due of the purchase of materials, such as paper, ink, envelopes, glue, or replenisher, that are incorporated into and become a component part of the exempt advertising materials. No use tax is imposed on the cost of manufacturing, producing, processing, or fabricating the exempt advertising materials. Dealers registered with the Department may extend a copy of their Annual Resale Certificate at the time of purchase, as provided in Rule 12A-1.039, F.A.C., to purchase materials that will be incorporated into and become a component part of the tax-exempt advertising materials.

(5) through (6) renumbered (6) through (7) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), 212.05(1)(a), (b), (h), 212.0515(1), (2), 212.06(1)(a), (b), (16), 212.07(1), (2), 212.08(7)(o), (v), (w), (yy), (ddd), 212.18(3)(a) FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Formerly 12A-1.08, Amended 4-22-86, 12-13-88, 1-30-91, 3-17-94, 3-20-96, 6-19-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), were noticed in the Florida Administrative Weekly on February 2, 2007 (Vol. 33, No. 5, pp. 411-416). A rule development workshop was held on February 20, 2007. Comments were received at the rule development workshop and changes have been made by the Department to the proposed amendments to Rule Chapter 12A-1, F.A.C. As a part of the comments received, it was recommended that the proposed rule amendments be included in Rule 12A-1.008, F.A.C. (Newspapers, Community Newspapers, Shoppers, Magazines and Other Periodicals), instead of Rule 12A-1.027, F.A.C. (Printing of Tangible Personal Property), and in Rule 12A-1.038, F.A.C. (Consumer's Certificate of Exemption; Exemption Certificates). In agreement with these recommendations, amendments to Rule 12A-1.008, F.A.C., have been proposed.

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NO.:	RULE TITLE:
12C-1.0221	Returns, Notices, and Elections; Signing and Verification

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.0221, F.A.C. (Returns, Notices, and Elections; Signing and Verification), is to provide procedures for how and when the Department will accept electronic signatures on corporate income tax returns or notices that are filed with the Department electronically.

SUMMARY: The proposed amendments to Rule 12C-1.0221, F.A.C. (Returns, Notices, and Elections; Signing and Verification), provide when an electronic return will be deemed to be signed and when the signature of the taxpayer or the taxpayer's representative will be deemed to serve as the written declaration made under penalties of perjury required on returns or notices filed with the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 213.755, 220.221, 220.23(2)(a) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 5, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE FULL TEXT OF THE PROPOSED RULES IS:

12C-1.0221 Returns, Notices, and Elections; Signing and Verification.

(1) A return, election, or notice required of a taxpayer shall be signed by an officer duly authorized to sign. A return or notice required of a taxpayer made by a fiduciary under subsection 220.22(3), F.S., shall be signed by the fiduciary. An officer's or fiduciary's signature on a return or notice made by or for a taxpayer shall be prima facie evidence that such individual was authorized to sign the return or notice on behalf of the taxpayer. The filing of a return that is not signed or that is improperly signed and verified may be treated as a failure to file the return for purposes of starting the limitation period or for the imposition of penalty for failure to file.

(a) Florida corporate income/franchise and emergency excise tax returns (Form F-1120), amended returns (Form F-1120X), or notices shall be signed by the president, vice-president, treasurer, assistant treasurer, chief accounting officer, or any other officer duly authorized to sign such returns or notices.

(b) Consolidated returns (Form F-1120) and affiliations schedules (Form F-851) shall be signed by the president, vice-president, treasurer, assistant treasurer, chief accounting officer, or any other officer of the common parent authorized to

sign. Each authorization and consent of subsidiary corporation to be included in a consolidated return (Form F-1122) shall be signed by an officer duly authorized by the subsidiary to sign.

(c) Form F-7004 shall be signed by a person authorized by the taxpayer to request such extension. Such person must be an individual authorized under paragraph (a) or (b) to sign the taxpayer's return; a person currently enrolled as an agent under Treasury Department Circular Number 230 to practice before the Internal Revenue Service; an attorney who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth, or the District of Columbia; or any certified public accountant who is duly qualified to practice in any state, possession, territory, commonwealth, or the District of Columbia.

(d) A fiduciary includes a receiver, trustee in dissolution, trustee in bankruptcy, or assignee, who, by order of a court of competent jurisdiction, by operation of law or otherwise, has possession of or holds title to all or substantially all of the property or business of a corporation.

(e) Notices include, but are not limited to, waivers of ~~an~~ restrictions on assessment and collection of proposed assessments under Section 220.715, F.S., consents to extend the statutory period under Section 213.23, F.S., and notifications of federal adjustments under subsection 220.23(2), F.S.

(2) A Florida partnership information return (Form F-1065) or notice required of a partnership shall be signed by any one ~~(+)~~ of the general partners, and the fact that a partner has signed a return or notice shall be prima facie evidence that such partner was authorized to sign such document on behalf of the partnership. A Florida partnership return or notice made by a receiver, trustee in bankruptcy, or assignee shall be signed by such fiduciary. A Form F-7004, application ~~for~~ ~~of~~ extension of time to file a Florida partnership return, shall be signed by a person authorized to make such application. Such person shall include a general partner; a person currently enrolled as an agent under Treasury Department Circular Number 230 to practice before the Internal Revenue Service; an attorney who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth, or the District of Columbia; or any certified public accountant who is duly qualified to practice in any state, possession, territory, commonwealth, or the District of Columbia.

(3) Each return or notice required to be filed under this code shall be verified by a written declaration that is made under the penalties of perjury. A return prepared for the taxpayer by another person shall contain a declaration by the preparer that it was prepared on the basis of all information of which the preparer has knowledge.

(a) Florida ~~corporate corporation~~ income tax returns (Form F-1120), amended returns (Form F-1120X), and partnership information returns (Form F-1065) shall contain a declaration, under the penalties of perjury, that the officer, partner, or fiduciary signing the return has examined the return, including accompanying schedules and statements, and declares that to the best of his or her knowledge and belief the return is true, correct, and complete. If such returns are prepared by a person other than the taxpayer, the preparer shall declare, under penalties of perjury, that the return, accompanying schedules, and statements, are true, correct, and complete to the best of his or her knowledge and belief based on all of the information of which he or she has any knowledge.

(b) Affiliations schedules (Form F-851) shall contain a declaration, under the penalties of perjury, that the officer ~~or~~ or fiduciary signing the schedule has examined the information and statements contained therein and declares to the best of his or her knowledge and belief that the schedule is true and correct.

(c) Florida tentative income tax return and application for extension of time to file income tax return (Form F-7004) and authorization and consent of subsidiary corporation to be included in a consolidated return (Form F-1122) shall contain a declaration, under the penalties of perjury, that the person signing such form has been authorized to sign the form and that the information and statements therein are true and correct to the best of his or her knowledge and belief.

(4)(a) An electronically filed return or notice shall be deemed to be signed when the individual who is authorized to sign under subsection (1) includes his or her name in the filed electronic return data identified as signature information.

(b) When the individual who is authorized to sign includes his or her name in the filed electronic return data identified as signature information, it will also be deemed to serve as the written declaration made under penalties of perjury in accordance with subsection (3).

Specific Authority 213.06(1), 220.51 FS. Law Implemented 213.755, 220.221, 220.23(2)(a) FS. History-New 3-5-80, Amended 12-18-83, Formerly 12C-1.221, Amended 12-21-88, 4-8-92, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12C-1, F.A.C. (Corporate Income Tax), were noticed in the Florida Administrative Weekly on July 27, 2007 (Vol. 33, No. 30, pp. 3290-3291). A rule development workshop was held on August 14, 2007. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-16.003  
 RULE TITLE: Participation Agreement

PURPOSE AND EFFECT: To update the Florida College Investment Plan Participation Agreement Form.

SUMMARY: This rule change is being made to update the Florida College Investment Plan Participation Agreement Form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.81(2) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 5, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor's completed application and the participation agreement. The Florida College Investment Plan Participation Agreement, Form No. FPCB 2007-4, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (4) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(2) FS. History--New 11-27-02, Amended 12-28-04, 6-2-05, 7-13-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2007

**PUBLIC SERVICE COMMISSION**

RULE NO.: 25-4.0665  
 RULE TITLE: Lifeline Service

PURPOSE AND EFFECT: To implement a procedure to ensure the automatic enrollment of subscribers in Lifeline with the appropriate Eligible Telecommunications Carrier (ETC) and to require ETCs to maintain current information on the Universal Service Administrative Company website. Docket No. 070572-TL.

SUMMARY: The amendment of Rule 25-4.0665, F.A.C., Lifeline Service, creates and implements procedures to automatically enroll eligible customers in Lifeline service. Section 364.10(3)(h)2, F.S., requires the Commission to adopt such procedures by December 31, 2007.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The SERC shows that the proposed rule will benefit customers eligible for Lifeline service by expediting the enrollment process. There will be an incremental cost to the Commission in terms of time and resources. ETCs will experience some transactional costs in complying with the proposed rule. There should be no negative impact on local governments.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), 364.10(3)(j) FS.

LAW IMPLEMENTED: 364.10, 364.105 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kira Scott, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0665 Lifeline Service

(1) through (2) No change.

(3) All eligible telecommunications carriers shall participate in the Lifeline service Automatic Enrollment Process. For purposes of this rule, the Lifeline service Automatic Enrollment Process is an electronic interface between the Department of Children and Families, the Commission, and the eligible telecommunications carrier that allows low-income individuals to automatically enroll in Lifeline following enrollment in a qualifying public assistance program.

(a) The Commission shall send an e-mail to the eligible telecommunications carrier informing the eligible telecommunications carrier that Lifeline service applications are available for retrieval for processing.

(b) The eligible telecommunications carrier shall enroll the subscriber in the Lifeline service program as soon as practicable, but no later than 60 days from the receipt of the e-mail notification. Upon completion of initial enrollment, the eligible telecommunications carrier shall credit the subscriber's bill for Lifeline service as of the date the eligible telecommunications carrier received the e-mail notification from the Commission.

(c) The eligible telecommunications carrier shall maintain a current e-mail address with the Commission, which the Commission will use to inform the eligible telecommunications carrier that new Lifeline service applications are available for retrieval for processing.

(d) The eligible telecommunications carrier shall maintain with the Commission the names, e-mail addresses and telephone numbers of one primary and one secondary company representative who will manage the user accounts on the Commission's secure website.

(e) Within 20 calendar days of receiving the Commission's e-mail notification that the Lifeline service application is available for retrieval, the eligible telecommunications carrier shall provide a facsimile response to the Commission via the Commission's dedicated Lifeline service facsimile telephone line at (850)413-7142, identifying the customer name, address, telephone number, and date of the application for:

1. Misdirected Lifeline service applications;
2. Applications for customers currently receiving Lifeline service; and

3. Rejected applicants, which shall include the reason(s) why the applicants were rejected.

In lieu of a facsimile, the eligible telecommunications carrier may file the information with the Office of Commission Clerk.

(f) Pursuant to Section 364.107(1), F.S., information filed by the eligible telecommunications carrier in accordance with paragraph (3)(e) of this rule is confidential and exempt from Section 119.07(1), F.S. However, the eligible telecommunications carrier may disclose such information consistent with the criteria in Section 364.107(3)(a), F.S. For purposes of this rule, the information filed by the eligible telecommunications carrier will be presumed necessary for disclosure to the Commission pursuant to the criteria in Section 364.107(3)(a)4., F.S.

(4) All eligible telecommunications carriers shall provide current Lifeline service company information to the Universal Service Administrative Company (USAC) at www.lifelinesupport.org so that the information can be posted on the USAC's consumer website.

Specific Authority 350.127(2), 364.10(3)(j) FS. Law Implemented 364.10, 364.105 FS. History--New 1-2-07, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Curtis Williams, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6924

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 33, No. 27, July 6, 2007

**LAND AND WATER ADJUDICATORY COMMISSION  
Capital Region Community Development District**

RULE NO.: 42CC-1.002  
RULE TITLE: Boundary

PURPOSE AND EFFECT: The petition, as revised, was filed by the Capital Region Community Development District (the "District") with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The petition proposes to modify the land area presently serviced by the District by amending its boundary to remove approximately 1,081.55 acres from the District located within the City of Tallahassee and unincorporated Leon County, Florida. The District currently covers approximately 3,286.94 acres of land and after amendment the District will encompass approximately 2,205.39 acres. There are 2 parcels of land located within the proposed contracted boundaries of the District that are to be excluded from the District. The parcels are owned by the Board of Trustees Internal Improvement Trust Fund, 3900 Commonwealth Boulevard, Tallahassee,

Florida 32399. Petitioner has obtained written consent to amend the boundaries of the District from the owners of 100% of the real property located within the contraction parcel.

SUMMARY: The petition, as revised, was filed by the Capital Region Community Development District (the "District") with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The petition proposes to modify the land area presently serviced by the District by amending its boundary to remove approximately 1,081.55 acres from the District located within the City of Tallahassee and unincorporated Leon County, Florida. The District currently covers approximately 3,286.94 acres of land and after amendment the District will encompass approximately 2,205.39 acres. There are 2 parcels of land located within the proposed contracted boundaries of the District that are to be excluded from the District. The parcels are owned by the Board of Trustees Internal Improvement Trust Fund, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399. Petitioner has obtained written consent to amend the boundaries of the District from the owners of 100% of the real property located within the contraction parcel.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition, as revised, to establish the District. The complete text of the SERC is contained as Exhibit 10 to the petition, as revised. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the District, the State of Florida, the City of Tallahassee, and Leon County are principal entities that are likely to be required to comply with the rule. In addition, current and future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur administrative costs. The City of Tallahassee and Leon County will incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a \$15,000 filing fee paid to the City of Tallahassee and

Leon County to offset any costs it may incur. Adoption of the proposed rule to approve the formation of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition, as revised, to establish the District will have no impact or a positive impact on small businesses. The petition, as revised, to establish the District will not have an impact on small cities or small counties as defined by section 120.52(17), F.S., as the City of Tallahassee and Leon County are not defined as a small city or small county. Under section (e), the analysis provided in the SERC was based on a straightforward application of economic theory. Input was received from the developer's engineer and other professionals associated with the developer.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, November 7, 2007, 10:00 a.m.

PLACE: The Capitol, Room 2103, Tallahassee, Florida 32399-0007

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

42CC-1.002 Boundary.

The boundaries of the district are as follows:

The following descriptions include all or part of Sections 2, 3, 9, 10, 11, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28 and 29, Township 1 South, Range 1 East, Leon County, Florida.

Portions of Sections 2, 11, 14, 23 and 26, Township 1 South, Range 1 East, more particularly described as follows:

BEGIN at the Northwest corner of Section 26, Township 1 South, Range 1 East; thence run South along the West line of said Section 26 for 451.73 feet more or less to the Northerly right-of-way line of State Road 261-A (Tram Road); thence run South 77 degrees 00 minutes 41 seconds East 191.64 feet; thence run North 495.02 feet more or less to the North line of said Section 26; thence continue North 2829.68 feet more or less to the beginning of a curve concave to the East; thence Northeasterly along said curve having a radius of 3444.00 feet through a central angle of 20 degrees 02 minutes 36 seconds for an arc distance of 1204.80 feet to the end of the curve; thence run North 20 degrees 02 minutes 37 seconds East for 635.00 feet to the beginning of a compound curve concave to the West; thence Northeasterly along said curve having a radius of 1956.02 feet, through a central angle of 19 degrees 57 minutes 51 seconds for an arc distance of 681.56 feet to the point of compound curvature; thence continue Northerly and Northwesterly along said curve having a radius of 1956.02 feet; through a central angle of 23 degrees 44 minutes 04 seconds for an arc distance of 810.27 feet to a point of reverse curve concave to the East; thence Northerly along said curve having a radius of 3144.08 feet, through a central angle of 21 degrees 38 minutes 15 seconds for an arc distance of 1187.35 feet to the beginning of a curve concave to the East; thence Northerly along said curve having a radius of 4983.90 feet through a central angle of 12 degrees 57 minutes 37 seconds for an arc distance of 1127.35 feet; thence run North 00 degrees 09 minutes 48 seconds East for 610.30 feet to the beginning of a curve concave to the West; thence Northerly along said curve having a radius of 10852.98 feet through a central angle of 04 degrees 30 minutes 46 seconds for an arc distance of 854.79 feet, thence run North 12 degrees 23 minutes 29 seconds West 425.58 feet to the beginning of a curve concave to the Southwest, thence Northwesterly along said curve having a radius of 3342.64 feet through a central angle of 07 degrees 08 minutes 57 seconds for an arc distance of 417.09 feet to the beginning of a curve concave to the Southwest, thence Northwesterly along said curve having a radius of 3342.64 feet through a central angle of 01 degrees 25

minutes 18 seconds for an arc distance of 82.93 feet; thence run North 06 degrees 51 minutes 48 seconds East for 945.08 feet to the beginning of a curve concave to the West, thence along said curve having a radius of 2700.04 feet through a central angle of 03 degrees 50 minutes 52 seconds for an arc distance of 181.33 feet; thence run North 03 degrees 00 minutes 57 seconds East for 4071.36 feet; thence continue North 03 degrees 00 minutes 57 seconds East for 1320.00 feet, more or less, to the North line of the South Half of the South Half of Section 2, Township 1 South, Range 1 East; thence run West along said North line of the South Half of the South Half of Section 2 to its intersection with the West line of said Section 2; thence run South along the West section lines of Sections 2, 11, 14 and 23, Township 1 South, Range 1 East to the Northwest corner of Section 26, Township 1 South, Range 1 East and the POINT OF BEGINNING.

LESS AND EXCEPT;

The rights of way for Southwood Plantation Road and Old St. Augustine Road.

ALSO, LESS AND EXCEPT;

That portion of the following description lying within Section 11, Township 1 South, Range 1 East.

COMMENCE at the intersection of the South right-of-way line of State Road No. 364 (Old St. Augustine Road) and the West boundary of the East Half of the Northeast Quarter of Section 10, Township 1 South, Range 1 East, Leon County, Florida; thence run South 76 degrees 57 minutes East along the South right-of-way line of said State Road No. 364 a distance of 670.59 feet to the POINT OF BEGINNING; thence run South 00 degrees 34 minutes 40 seconds East 1399.27 feet to a concrete monument; thence run South 89 degrees 13 minutes 20 seconds East 648.44 feet to a St. Joe Paper Company concrete monument on the West right-of-way line of Southwood Plantation Road; thence run North 03 degrees 33 minutes 20 seconds East along said West right of way line of Southwood Plantation Road a distance of 1251.37 feet, more or less, to a concrete monument marking the intersection of the West right-of-way line of Southwood Plantation Road with the South right-of-way line of Old St. Augustine Road; thence run North 76 degrees 57 minutes West along said South right-of-way line of Old St. Augustine Road a distance of 758 feet, more or less, to the POINT OF BEGINNING.

SECTION 3

Commence at the Southwest corner of Section 3, Township 1 South, Range 1 East, and run thence North along the Section line 1336.6 feet, thence East 880.0 feet to a point which is the POINT OF BEGINNING. From said POINT OF BEGINNING run thence East 1250.0 feet more or less to a point 500 feet West of a point 1336.6 North of the Southeast corner of the Southwest Quarter of said Section 3, thence South 1336.6 feet more or less to the South line of said Section 3, thence West



along said South line of Section 3 to a point due South of the point of beginning, thence North 1336.6 feet more or less to the POINT OF BEGINNING.

AND ALSO;

Begin at the Southwest corner of Section 3, Township 1 South, Range 1 East, thence run North 162.4 feet along the Section line to the South boundary of Old St. Augustine Road, thence southeasterly 845.19 along the South boundary of said road to its intersection with the South Line of said Section 3, thence West along said South line to the POINT OF BEGINNING.

AND ALSO;

Commence at the Northwest corner of the Northwest quarter of the Southeast quarter of Section 3, Township 1 South, Range 1 East, and run thence South 00 degrees 30 minutes West 1266.8 feet along the quarter-section line, thence South 89 degrees 30 minutes East 647.3 feet, thence South 00 degrees 30 minutes West 13.6 feet, thence South 89 degrees 30 minutes East 336.35 feet to a point which is the POINT OF BEGINNING. From said POINT OF BEGINNING, run thence South 89 degrees 30 minutes East 336.35 feet, thence North 00 degrees 30 minutes East 1081.3 feet along the East boundary of the Northwest quarter of the Southeast quarter of said Section 3, to a point 207.7 feet South 00 degrees 30 minutes West of the Northeast corner of the Northwest quarter of the Southeast quarter of said Section 3, thence North 89 degrees 30 minutes West 336.35 feet, thence South 00 degrees 30 minutes West 1081.3 feet to the POINT OF BEGINNING.

AND ALSO;

Begin at the Southeast corner of Section 3, Township 1 South, Range 1 East, and thence run North 1495.0 feet along the East boundary of said Section 3, thence West 701.0 feet, thence North 1158.0 feet to a point on the North boundary of the Southeast Quarter of said Section 3, thence West 639.3 feet to the Northwest corner of the East 1/2 of the Southeast quarter of said Section 3, thence South 1289.0 feet, thence West 672.7 feet, thence North 13.6 feet, thence West 323.15 feet, thence South 537.53 feet, thence West 324.15 feet to a point on the West boundary of the Southeast quarter of said Section 3, which said point is 1804.33 feet South of the Northwest corner of the Southeast quarter of said Section 3, thence run South 867.4 feet more or less to the South line of said Section 3, thence East along said South line 2640.0 feet more or less to the POINT OF BEGINNING.

AND ALSO;

Commence at the Southwest corner of the East half of the Northeast quarter of Section 3, Township 1 South, Range 1 East, Leon County, Florida, marked by a one inch iron pipe and run thence South 89 degrees 17 minutes 39 seconds East 429.17 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run thence South 89 degrees 17 minutes 38 seconds East 142.0 feet to the West boundary of that property described in Official Records Book 1410, Page 1913 of the Public Records of Leon County, Florida, thence North 00

degrees 49 minutes 21 seconds East along said boundary 322.92 feet to the southerly right of way boundary of State Road No. 20 (Apalachee Parkway), thence South 85 degrees 40 minutes 30 seconds West along said boundary 200.81 feet, thence leaving said boundary South 00 degrees 58 minutes 17 seconds West 218.30 feet, thence South 32 degrees 54 minutes 08 seconds East 104.47 feet to the POINT OF BEGINNING.

LESS AND EXCEPT;

Begin at the Southwest corner of the East half of the Northeast quarter of Section 3, Township 1 South, Range 1 East, Leon County, Florida, marked by a one inch iron pipe and run thence North 00 degrees 36 minutes 43 seconds East along the West boundary of that property described in Official Records Book 1306, Page 2238 of the Public Records of Leon County, Florida, 272.53 feet to the Southern right of way boundary of State Road 20 (Apalachee Parkway), thence along said right of way boundary North 83 degrees 40 minutes 30 seconds East 292.77 feet, thence leaving said right of way boundary run South 03 degrees 41 minutes 54 seconds East along the East boundary of said property in Official Records Book 1306, Page 2238 for a distance of 299.09 feet, thence South 89 degrees 17 minutes 38 seconds East 115.01 feet, thence South 32 degrees 53 minutes 35 seconds East 17.31 feet, thence South 00 degrees 35 minutes 30 seconds West 1171.25 feet, thence South 87 degrees 54 minutes 45 seconds West 777.95 feet to the East boundary of that property described in Official Records Book 610, Page 165 of the Public Records of Leon County, Florida, thence North 00 degrees 41 minutes 14 seconds East along said boundary 1012.36 feet to the South boundary of that property described in Official Records Book 1257, Page 614 of the Public Records of Leon County, Florida, thence South 89 degrees 11 minutes 08 seconds East along said boundary 336.62 feet, thence North 00 degrees 36 minutes 43 seconds East along the East boundary of said property 211.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

The rights of way for Southwood Plantation Road, Old St. Augustine Road and the 100 foot power line right of way conveyed to the City of Tallahassee.

SECTION 9

The Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 9, Township 1 South, Range 1 East, less the right-of-way of State Road No. 363 (Capital Circle).

AND ALSO;

That part of the West Half of the Northeast Quarter lying South and East of State Road No. 363 (Capital Circle).

AND ALSO;

The Southeast Quarter of the Northeast Quarter less the North 66 feet thereof.

AND ALSO;

BEGIN at a point 66 feet South of the Southwest corner of the Northeast Quarter of the Northeast Quarter, thence run North 210 feet; thence East 210 feet; thence run South 210 feet; thence run West 210 feet to the POINT OF BEGINNING.

LESS AND EXCEPT;

The 100 foot Power Line right-of-way conveyed to the City of Tallahassee and the right-of-way for State Road No. 363 (Capital Circle).

#### SECTION 10

All of Section 10, Township 1 South, Range 1 East.

LESS AND EXCEPT;

COMMENCE at the intersection of the South right-of-way line of State Road No. 364 (Old St. Augustine Road) and the West boundary of the East Half of the Northeast Quarter of Section 10, Township 1 South, Range 1 East, Leon County, Florida; thence run South 76 degrees 57 minutes East along the South right-of-way line of said State Road No. 364 a distance of 670.59 feet to the POINT OF BEGINNING; thence run South 00 degrees 34 minutes 40 seconds East 1399.27 feet to a concrete monument; thence run South 89 degrees 13 minutes 20 seconds East 648.44 feet to a St. Joe Paper Company concrete monument on the West right-of-way line of Southwood Plantation Road; thence run North 03 degrees 33 minutes 20 seconds East along said West right of way line of Southwood Plantation Road a distance of 1251.37 feet, more or less, to a concrete monument marking the intersection of the West right-of-way line of Southwood Plantation Road with the South right-of-way line of Old St. Augustine Road; thence run North 76 degrees 57 minutes West along said South right-of-way line of Old St. Augustine Road a distance of 758 feet, more or less, to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

BEGIN at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 10, Township 1 South, Range 1 East, and run thence North 200 feet, thence East 500 feet, thence South 185 feet, thence East 820 feet to the East line of said Section 10, thence South 15 feet to the South line of said Section 10, thence West 1320 feet, more or less, to the POINT OF BEGINNING, containing 2.57 acres, more or less.

ALSO, LESS AND EXCEPT;

BEGIN at the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 10, Township 1 South, Range 1 East, thence run East 362 feet, thence run North 385 feet to a point in the center of the St. Augustine Road, thence run in a Northwesterly direction 398 feet to a point on the West boundary of the Northeast Quarter of said Section 10, said point being 579 feet North of the POINT OF BEGINNING, thence run South 579 feet to the POINT OF BEGINNING, except the portion thereof included in the right-of-way of the Old St. Augustine Road.

ALSO, LESS AND EXCEPT;

COMMENCE at the Southeast corner of Section 10, Township 1 South, Range 1 East, Leon County, Florida, and run thence West along the section line a distance of 20 feet, or to the West boundary of Southwood Road, thence North along the West boundary of said Southwood Road, a distance of 40 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue thence North along said West boundary 100 feet, thence West parallel to the South line of said Section 10 a distance of 435.6 feet, thence South 100 feet, thence East 435.6 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

BEGIN at the Northeast corner of the Northeast Quarter of the Northwest Quarter of Section 10, Township 1 South, Range 1 East and run West along the North line of said Section 10 for 500 feet; thence run south 456 feet, more or less, to the Northerly right-of-way line of Old St. Augustine Road; thence Southeasterly along the North right-of-way line of Old St. Augustine Road 589 feet, more or less, to the East boundary of the Northwest Quarter of said Section 10; thence North 678.6 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

The rights of way for Old St. Augustine Road, Southwood Plantation Road and the 100 foot power line right of way are conveyed to the City of Tallahassee.

#### SECTION 15

All of Section 15, Township 1 South, Range 1 East, Leon County, Florida.

LESS AND EXCEPT;

That part of the following described parcel lying in Section 15, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04

seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way),

thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING,

#### SECTION 16

All of Section 16, Township 1 South, Range 1 East lying East of State Road 261 (Capital Circle).

AND ALSO;

The North 34.99 chains of the East half of the Northwest quarter of Section 16, Township 1 South, Range 1 East, Leon County, Florida, lying West of State Road 261 (Capital Circle).

AND ALSO;

The West half of the Southwest quarter of Section 16, Township 1 South, Range 1 East, Leon County, Florida.

AND ALSO;

All that part of the South 26.66 chains of the East half of the Southwest quarter of Section 16, Township 1 South, Range 1 East, Leon County, Florida, lying West of State Road 261 (Capital Circle).

LESS AND EXCEPT;

The right of way for State Road 261 (Capital Circle), the 100 foot power line right of way conveyed to the City of Tallahassee and the right of way conveyed as the Blair Stone Road Extension recorded in Leon County Official Records Book 2080, Page 1542.

ALSO, LESS AND EXCEPT;

That part of the following described property lying in Section 16, Township 1 South, Range 1 East.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17 degrees 06 minutes 44 seconds for an arc length of 957.24 feet (chord of 953.69 feet bears North 68 degrees 25 minutes 19 seconds West), thence North 59 degrees 51 minutes 57 seconds West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261), thence North 12 degrees 00 minutes 01 seconds East along said centerline 1.97 feet, thence North 12 degrees 00 minutes 27 seconds East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 05 degrees 31 minutes 26 seconds for an arc length of 368.25 feet (chord of 368.10 feet bears North 09 degrees 14 minutes 44 seconds East), thence leaving said centerline run North 82 degrees 45 minutes 59 seconds West 125.01 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 82 degrees 45 minutes 59 seconds West along the northerly right of way of a

proposed road (100 foot right of way) a distance of 407.94 feet to set iron rebar and cap marking a point of curve to the left, thence along said curve with a radius of 4425.00 feet through a central angle of 06 degrees 47 minutes 31 seconds for an arc length of 524.55 feet (chord of 524.25 feet bears North 86 degrees 09 minutes 44 seconds West) to a set iron rebar and cap, thence North 89 degrees 33 minutes 30 seconds West 254.27 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 00 seconds for an arc length of 47.12 feet (chord of 42.43 feet bears North 44 degrees 33 minutes 30 seconds West) to a set iron rebar and cap on the easterly right of way of a proposed roadway (100 foot right of way), thence North 00 degrees 26 minutes 30 seconds East along said right of way 992.45 feet to a set iron rebar and cap marking a point of curve to the right, thence along said right of way curve with a radius of 750.00 feet through a central angle of 92 degrees 45 minutes 19 seconds for an arc length of 1214.16 feet (chord of 1085.85 feet bears North 46 degrees 49 minutes 10 seconds East) to a set iron rebar and cap thence South 86 degrees 48 minutes 11 seconds East along said right of way 444.13 feet to a set iron rebar and cap, thence leaving said right of way run South 00 degrees 18 minutes 28 seconds West 1433.65 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 3694.66 feet through a central angle of 06 degrees 09 minutes 02 seconds for an arc length of 396.61 feet (chord of 396.42 feet bears South 03 degrees 22 minutes 59 seconds West) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described property lying in Section 16, Township 1 South, Range 1 East.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds

East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right

of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17 degrees 06 minutes 44 seconds for an arc length of 957.24 feet (chord of 953.69 feet bears North 68 degrees 25 minutes 19 seconds West), thence North 59 degrees 51 minutes 57 seconds West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261), thence North 12 degrees 00 minutes 01 seconds East along said centerline 1.96 feet, thence North 12 degrees 00 minutes 27 seconds East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 11 degrees 41 minutes 59 seconds for an arc length of 779.97 feet (chord of 778.61 feet bears North 06 degrees 09 minutes 27 seconds East), thence North 00 degrees 18 minutes 28 seconds East 2903.59 feet, thence leaving said centerline run South 89 degrees 57 minutes 06 seconds East 125.00 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 18 minutes 28 seconds East 812.00 feet to a set iron rebar and cap, thence South 89 degrees 41 minutes 32 seconds East 778.83 feet to a set iron rebar and cap on the westerly right of way of a proposed roadway (65 foot right of way), thence South along said westerly right of way 176.04 feet to a set iron rebar and cap marking a point of curve to the left, thence along said right of way curve with a radius of 2550.10 feet through a central angle of 13 degrees 38 minutes 55 seconds for an arc length of 607.47 feet (chord of 606.03 feet bears South 06 degrees 49 minutes 28 seconds East) to a set iron rebar and cap, thence South 13 degrees 38 minutes 58 seconds East 31.65 feet to a set iron rebar and cap, thence leaving said proposed right of way run North 89 degrees 57 minutes 06 seconds West 867.59 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described property lying in Section 16, Township 1 South, Range 1 East.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 East, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary

of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

SECTION 20

The East Half of Section 20, Township 1 South, Range 1 East  
LESS AND EXCEPT;

That part of the North Half of the North Half of said Section 20 lying North of State Road 261-A (Tram Road).

The right of way for State Road 261-A (Tram Road) and the 100 foot power line right of way conveyed to the City of Tallahassee.

#### SECTION 21

All of Section 21, Township 1 South, Range 1 East, lying North of State Road 261-A (Tram Road) and the following portion of said Section 21 lying South of Tram Road and West of Capital Circle:

BEGIN at the Southwest corner of Section 21, Township 1 South, Range 1 East, thence run North along the West line of said Section 21 to its intersection with the Southerly right-of-way line of State Road 261-A (Tram Road); thence run Southeasterly along said right-of-way line to the West boundary of that property described as Parcel No. Three in Official Records Book 2006, Page 2252 of the Public Records of Leon County, Florida; thence run South along said boundary and continuation thereof for 1002.3, more or less, to the North boundary of that property described in Official Records Book 1225, Page 2379 of the Public Records of Leon County, Florida; thence run South along the West boundary of said property described in Official Records Book 1225, Page 2379 and a continuation thereof to the South line of said Section 21; thence run West for 660 feet, more or less, to the Southwest corner of said Section 21 and the POINT OF BEGINNING.

AND ALSO;

The following described parcel lying in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet; thence leaving said centerline run North 76 degrees 58 minutes 38 seconds West 60.00 feet to a concrete monument on the westerly right-of-way boundary of said Tram Road Connector, thence run South 13 degrees 01 minutes 22 seconds West along said westerly right-of-way 53.22 feet to a concrete monument marking the north right-of-way boundary of said Tram Road; thence run North 76 degrees 58 minutes 41 seconds West along said northerly right-of-way of Tram Road 766.36 feet to a set iron rod and cap marking a point of curve to the right, thence run northwesterly along said right of way curve with a radius of 3172.07 feet through a central angle of 06 degrees 02 minutes 20 seconds for an arc distance of 334.34 feet (chord bears North 73 degrees 57 minutes 31 seconds West 334.18 feet) to a concrete monument marking the easterly boundary of the existing Capital Circle Office Center; thence leaving said

northerly right-of-way run North 35 degrees 42 minutes 40 seconds East 1562.71 feet to a concrete monument; thence run North 27 degrees 52 minutes 52 seconds East 214.31 feet to a concrete monument; thence run North 21 degrees 57 minutes 48 seconds East 22.24 feet to an iron rod and cap to the POINT OF BEGINNING. From said POINT OF BEGINNING thence continue North 21 degrees 57 minutes 48 seconds East 95.89 feet to a concrete monument, thence run North 10 degrees 53 minutes 34 seconds East 219.79 feet to a concrete monument, thence run North 02 degrees 57 minutes 51 seconds East 603.14 feet to a concrete monument, thence run North 07 degrees 58 minutes 29 seconds East 112.07 feet to a point on the southerly right of way boundary of Shumard Oak Boulevard and a curve concave southwesterly, thence run southeasterly along said right of way curve with a radius of 666.67 feet through a central angle of 24 degrees 05 minutes 36 seconds for an arc distance of 280.34 feet (chord of 278.28 feet bears South 76 degrees 41 minutes 39 seconds East) to a point of reverse curve to the left, thence run southeasterly along said curve with a radius of 1293.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc distance of 528.55 feet (chord of 524.87 feet bears South 76 degrees 21 minutes 29 seconds East), thence run South 88 degrees 04 minutes 07 seconds East 297.07 feet to a point of curve to the right, thence run southeasterly along said curve with a radius of 30.00 feet through a central angle of 90 degrees 54 minutes 41 seconds for an arc distance of 47.60 feet (chord of 42.76 feet bears South 42 degrees 36 minutes 47 seconds East) to a point of curve to the right and the westerly right of way boundary of Tram Road Connector, thence run southwesterly along said right of way curve with a radius of 1168.00 feet through a central angle of 17 degrees 26 minutes 30 seconds for an arc distance of 355.56 feet (chord of 354.19 feet bears South 11 degrees 33 minutes 49 seconds West), thence run South 20 degrees 17 minutes 04 seconds West 816.47 feet, thence leaving said westerly right of way boundary run North 69 degrees 42 minutes 56 seconds West 934.79 feet to the POINT OF BEGINNING.

AND ALSO;

The existing St. Joe Corp. property lying in the Southeast Quarter of Section 21, Township 1 South, Range 1 East, Leon County, Florida lying south of Tram Road (know as Tax ID parcel 31-21-20-002-000.0).

LESS AND EXCEPT;

The right-of-way of State Road No. 263 (Capital Circle), the right-of-way of State Road No. 261-A (Tram Road), and the 100 foot Power Line right-of-way deeded to the City of Tallahassee.

ALSO, LESS AND EXCEPT;

BEGIN at a point on the West line of Section 21, Township 1 South, Range 1 East, said point being 1326.2 feet North of the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 21, and run thence East 100 feet, thence

North 01 degrees 58 minutes West for 390.25 feet to a point on the South boundary of the right-of-way of the public road, thence Northwesterly along said right-of-way boundary for 100 feet to a point on the West line of said Section 21, thence South along the Section line for 440 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying in Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of

468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run Easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17 degrees 06 minutes 44 seconds for an arc length of 957.24 feet (chord of 953.69 feet bears North 68 degrees 25 minutes 19 seconds West), thence North 59 degrees 51 minutes 57 seconds West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261),

thence North 12 degrees 00 minutes 01 seconds East along said centerline 1.97 feet, thence North 12 degrees 00 minutes 27 seconds East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 05 degrees 31 minutes 26 seconds for an arc length of 368.25 feet (chord of 368.10 feet bears North 09 degrees 14 minutes 44 seconds East), thence leaving said centerline run North 82 degrees 45 minutes 59 seconds West 125.01 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 82 degrees 45 minutes 59 seconds West along the northerly right of way of a proposed road (100 foot right of way) a distance of 407.94 feet to set iron rebar and cap marking a point of curve to the left, thence along said curve with a radius of 4425.00 feet through a central angle of 06 degrees 47 minutes 31 seconds for an arc length of 524.55 feet (chord of 524.25 feet bears North 86 degrees 09 minutes 44 seconds West) to a set iron rebar and cap, thence North 89 degrees 33 minutes 30 seconds West 254.27 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 00 seconds for an arc length of 47.12 feet (chord of 42.43 feet bears North 44 degrees 33 minutes 30 seconds West) to a set iron rebar and cap on the Easterly right of way of a proposed roadway (100 foot right of way), thence North 00 degrees 26 minutes 30 seconds East along said right of way 992.45 feet to a set iron rebar and cap marking a point of curve to the right, thence along said right of way curve with a radius of 750.00 feet through a central angle of 92 degrees 45 minutes 19 seconds for an arc length of 1214.16 feet (chord of 1085.85 feet bears North 46 degrees 49 minutes 10 seconds East) to a set iron rebar and cap thence South 86 degrees 48 minutes 11 seconds East along said right of way 444.13 feet to a set iron rebar and cap, thence leaving said right of way run South 00 degrees 18 minutes 28 seconds West 1433.65 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 3694.66 feet through a central angle of 06 degrees 09 minutes 02 seconds for an arc length of 396.61 feet (chord of 396.42 feet bears South 03 degrees 22 minutes 59 seconds West) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the

centerline of said Tram Road Connector 86.22 feet; thence leaving said centerline run North 76 degrees 58 minutes 38 seconds West 60.00 feet to a concrete monument on the westerly right-of-way boundary of said Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING thence run South 13 degrees 01 minutes 22 seconds West along said westerly right-of-way 53.22 feet to a concrete monument marking the north right-of-way boundary of said Tram Road; thence run North 76 degrees 58 minutes 41 seconds West along said northerly right-of-way of Tram Road 766.36 feet to a set iron rod and cap marking a point of curve to the right, thence run northwesterly along said right of way curve with a radius of 3172.07 feet through a central angle of 06 degrees 02 minutes 20 seconds for an arc distance of 334.34 feet (chord bears North 73 degrees 57 minutes 31 seconds West 334.18 feet) to a concrete monument marking the easterly boundary of the existing Capital Circle Office Center; thence leaving said northerly right-of-way run North 35 degrees 42 minutes 40 seconds East 1562.71 feet to a concrete monument; thence run North 27 degrees 52 minutes 52 seconds East 214.31 feet to a concrete monument; thence run North 21 degrees 57 minutes 48 seconds East 22.24 feet to an iron rod and cap; thence leaving said easterly boundary of the existing Capital Circle Office Center run South 69 degrees 42 minutes 56 seconds East 739.36 feet; thence run southwesterly along a non-tangent curve to the right with a radius of 140.00 feet through a central angle of 40 degrees 16 minutes 49 seconds for an arc distance 98.42 feet (chord bears South 14 degrees 04 minutes 23 seconds West 96.41 feet) to a point of reverse curve to the left; thence run southeasterly along said curve with a radius of 110.00 feet through a central angle of 101 degrees 55 minutes 47 seconds for an arc distance of 195.69 feet (chord bears South 16 degrees 42 minutes 26 seconds East 170.89 feet); thence run South 67 degrees 43 minutes 00 seconds East 81.70 feet to the westerly right-of-way boundary of said Tram Road Connector; thence run southwesterly along said westerly right-of-way along a curve to the right with a radius of 690.00 feet through a central angle of 14 degrees 01 minutes 10 seconds for an arc distance of 168.83 feet (chord bears South 29 degrees 17 minutes 35 seconds West 168.41 feet) to a concrete monument; thence run South 36 degrees 18 minutes 10 seconds West along said westerly right of way 873.23 feet to a concrete monument marking a point of curve to the right, thence run southwesterly along said right of way curve with a radius of 810.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc distance of 329.11 feet (chord bears South 24 degrees 39 minutes 46 seconds West 326.85 feet) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.



COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 East, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described right of way of Satellite Boulevard, Shumard Oak Boulevard, and Tram Road Connector lying in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 East, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord

bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259 - 66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 575.14 feet to the easterly right-of-way boundary of Tram Connector (proposed 120' Right-of-way); thence along said easterly right-of-way boundary as follows: North 13 degrees 04 minutes 02 seconds East a distance of 53.58 feet to a point of curve to the right; thence Northeasterly, along said curve, on a radius of 690.00 feet, through a central angle of 23 degrees 16 minutes 48 seconds, an arc distance of 280.36 feet (chord of 278.43 feet bears North 24 degrees 42 minutes 26 seconds East) to a point of tangency; thence North 36 degrees 20 minutes 50 seconds East a distance of 182.52 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING, continue North 36 degrees 20 minutes 50 seconds East, along said easterly right-of-way boundary, a distance of 341.40 feet; thence South 53 degrees 39 minutes 10 seconds East, leaving said easterly right-of-way boundary, a distance of 80.41 feet; thence South 24 degrees 32 minutes 39 seconds East a distance of 102.95 feet; South 22 degrees 38 minutes 05 seconds West a distance of 140.69 feet to a point of curve to the right; thence Southwesterly, along said curve, on a radius of 125.00 feet, through a central angle of 103 degrees 42 minutes 45 seconds, an arc distance of 226.27 feet (chord of 196.62 feet bears South 74 degrees 29 minutes 27 seconds West) to a point of tangency; thence North 53 degrees 39 minutes 10 seconds West a distance of 82.27 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259-66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 695.14 feet to the westerly right-of-way boundary of Tram Connector (proposed 120' Right-of-way); thence along said westerly right-of-way boundary as follows: North 13 degrees 04 minutes 02 seconds East a distance of 53.58 feet to a point of curve to the right; thence Northeasterly, along said

curve, on a radius of 810.00 feet, through a central angle of 23 degrees 16 minutes 48 seconds, an arc distance of 329.11 feet (chord of 326.86 feet bears North 24 degrees 42 minutes 26 seconds East) to a point of tangency; thence North 36 degrees 20 minutes 50 seconds East a distance of 908.41 feet to a point of curve to left; thence Northeasterly, along said curve, on a radius of 690.00 feet, through a central angle of 14 degrees 01 minutes 10 seconds, an arc distance of 168.83 feet (chord of 168.41 feet bears North 29 degrees 20 minutes 15 seconds East) to the POINT OF BEGINNING.

From said POINT OF BEGINNING, thence North 67 degrees 40 minutes 20 seconds West a distance of 81.70 feet to a point of curve to the right; thence Northwesterly, along said curve, on a radius of 110.00 feet, an arc distance of 195.69 feet (chord of 170.89 feet bears North 16 degrees 42 minutes 26 seconds West) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 140.00 feet; through a central angle of 41 degrees 09 minutes 41 seconds, an arc distance of 100.58 feet (chord of 98.43 feet bears North 13 degrees 40 minutes 37 seconds East) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 150.00 feet, through a central angle of 65 degrees 22 minutes 28 seconds, an arc distance of 171.15 feet (chord of 162.02 feet bears North 25 degrees 47 minutes 01 seconds East) to a point of tangency; thence North 58 degrees 28 minutes 15 seconds East a distance of 108.90 feet; thence South 69 degrees 40 minutes 16 seconds East a distance of 113.74 feet to the westerly right-of-way boundary of said Tram Connector; thence South 20 degrees 19 minutes 44 seconds West a distance of 459.89 feet to a point of curve to the right; thence Southwesterly, along said curve, on a radius of 690.00 feet, through a central angle of 01 degrees 59 minutes 56 seconds, an arc distance of 24.07 feet (chord of 24.07 feet bears South 21 degrees 19 minutes 42 seconds West) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259 - 66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 1461.36 feet to a point of curve to the right; thence Northwesterly, along said northerly right-of-way curve, on a radius of 3173.42 feet, through a central angle of 06 degrees 02 minutes 35 seconds, an arc distance of 334.71 feet (chord of 334.55 feet bears North 73 degrees 54 minutes 41 seconds West) to the easterly boundary of the Capital Circle Office Center; thence along said easterly boundary as follows: North 35 degrees 45 minutes 00 seconds East a distance of 1562.75 feet; thence North 27 degrees 54 minutes 38 seconds East a

distance of 214.56 feet; thence North 22 degrees 00 minutes 33 seconds East a distance of 117.90 feet; thence North 10 degrees 57 minutes 24 seconds East a distance of 219.90 feet; thence North 03 degrees 00 minutes 34 seconds East a distance of 403.26 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING, thence continue North 03 degrees 00 minutes 34 seconds East, along said easterly right-of-way boundary of Capital Circle Office Center, a distance of 200.00 feet; thence North 07 degrees 59 minutes 51 seconds East a distance of 111.96 feet to a point on a curve concave to the south for the southerly right-of-way boundary of Shumard Oak Boulevard (proposed 140' Right-of-way extension); thence Easterly, leaving said easterly boundary of Capital Circle Office Center, along said curve, on a radius of 666.68 feet, through a central angle of 24 degrees 07 minutes 25 seconds, an arc distance of 280.70 feet (chord of 278.63 feet bears South 75 degrees 39 minutes 54 seconds East); thence South 23 degrees 59 minutes 03 seconds West, leaving said southern right-of-way boundary of Shumard Oak Boulevard, a distance of 48.29 feet to a point of curve to the left; thence Southwesterly, along said curve, on a radius of 140.00 feet, through a central angle of 52 degrees 35 minutes 41 seconds, an arc distance of 128.51 feet (chord of 124.05 feet bears South 02 degrees 18 minutes 47 seconds West) to a point of reverse curve; thence Southeasterly, along said curve, on a radius of 140.00 feet, through a central angle of 42 degrees 21 minutes 34 seconds, an arc distance of 103.50 feet (chord of 101.16 feet bears South 07 degrees 25 minutes 51 seconds East); thence South 13 degrees 44 minutes 56 seconds West a distance of 101.60 feet; thence South 76 degrees 08 minutes 21 seconds West a distance of 73.52 feet to a point on a curve concave to the northeast; thence Northwesterly, along said curve, on a radius of 320.00 feet, through a central angle of 33 degrees 52 minutes 27 seconds, an arc distance of 189.19 feet (chord of 186.45 feet bears North 43 degrees 46 minutes 53 seconds West) to a point on a line; thence North 86 degrees 59 minutes 26 seconds West a distance of 71.22 feet to the POINT OF BEGINNING.

#### SECTION 22

All of Section 22, Township 1 South, Range 1 East, Leon County, lying North of State Road 261-A (Tram Road).

#### LESS AND EXCEPT;

That part of the following described parcel lying Section 22, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence

run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38

seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING, containing 45.938 acres more or less.

**ALSO, LESS AND EXCEPT;**

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet; thence leaving said centerline run North 76 degrees 58 minutes 38 seconds West 60.00 feet to a concrete monument on the westerly right-of-way boundary of said Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING thence run South 13 degrees 01 minutes 22 seconds West along said westerly right-of-way 53.22 feet to a concrete monument marking the north right-of-way boundary of said Tram Road; thence run North 76 degrees 58 minutes 41 seconds West along said northerly right-of-way of Tram Road 766.36 feet to a set iron rod and cap marking a point of curve to the right, thence run northwesterly along said right of way curve with a radius of 3172.07 feet through a central angle of 06 degrees 02 minutes 20 seconds for an arc distance of 334.34 feet (chord bears North 73 degrees 57 minutes 31 seconds West 334.18 feet) to a concrete monument marking the easterly boundary of the existing Capital Circle Office Center; thence leaving said northerly right-of-way run North 35 degrees 42 minutes 40 seconds East 1562.71 feet to a concrete monument; thence run North 27 degrees 52 minutes 52 seconds East 214.31 feet to a concrete monument; thence run North 21 degrees 57 minutes 48 seconds East 22.24 feet to an iron rod

and cap; thence leaving said easterly boundary of the existing Capital Circle Office Center run South 69 degrees 42 minutes 56 seconds East 739.36 feet; thence run southwesterly along a non-tangent curve to the right with a radius of 140.00 feet through a central angle of 40 degrees 16 minutes 49 seconds for an arc distance of 98.42 feet (chord bears South 14 degrees 04 minutes 23 seconds West 96.41 feet) to a point of reverse curve to the left; thence run southeasterly along said curve with a radius of 110.00 feet through a central angle of 101 degrees 55 minutes 47 seconds for an arc distance of 195.69 feet (chord bears South 16 degrees 42 minutes 26 seconds East 170.89 feet); thence run South 67 degrees 43 minutes 00 seconds East 81.70 feet to the westerly right-of-way boundary of said Tram Road Connector; thence run southwesterly along said westerly right-of-way along a curve to the right with a radius of 690.00 feet through a central angle of 14 degrees 01 minutes 10 seconds for an arc distance of 168.83 feet (chord bears South 29 degrees 17 minutes 35 seconds West 168.41 feet) to a concrete monument; thence run South 36 degrees 18 minutes 10 seconds West along said westerly right of way 873.23 feet to a concrete monument marking a point of curve to the right, thence run southwesterly along said right of way curve with a radius of 810.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc distance of 329.11 feet (chord bears South 24 degrees 39 minutes 46 seconds West 326.85 feet) to the POINT OF BEGINNING.

**ALSO, LESS AND EXCEPT;**

That part of the following described right of way of Satellite Boulevard, Shumard Oak Boulevard, and Tram Road Connector lying in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 East, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees

West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 22, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259 - 66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 695.14 feet to the westerly right-of-way boundary of Tram Connector (proposed 120' Right-of-way); thence along said westerly right-of-way boundary as follows: North 13 degrees 04 minutes 02 seconds East a distance of 53.58 feet to a point of curve to the right; thence Northeasterly, along said curve, on a radius of 810.00 feet, through a central angle of 23 degrees 16 minutes 48 seconds, an arc distance of 329.11 feet (chord of 326.86 feet bears North 24 degrees 42 minutes 26 seconds East) to a point of tangency; thence North 36 degrees 20 minutes 50 seconds East a distance of 908.41 feet to a point of curve to left; thence Northeasterly, along said curve, on a radius of 690.00 feet, through a central angle of 14 degrees 01

minutes 10 seconds, an arc distance of 168.83 feet (chord of 168.41 feet bears North 29 degrees 20 minutes 15 seconds East) to the POINT OF BEGINNING.

From said POINT OF BEGINNING, thence North 67 degrees 40 minutes 20 seconds West a distance of 81.70 feet to a point of curve to the right; thence Northwesterly, along said curve, on a radius of 110.00 feet, an arc distance of 195.69 feet (chord of 170.89 feet bears North 16 degrees 42 minutes 26 seconds West) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 140.00 feet; through a central angle of 41 degrees 09 minutes 41 seconds, an arc distance of 100.58 feet (chord of 98.43 feet bears North 13 degrees 40 minutes 37 seconds East) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 150.00 feet, through a central angle of 65 degrees 22 minutes 28 seconds, an arc distance of 171.15 feet (chord of 162.02 feet bears North 25 degrees 47 minutes 01 seconds East) to a point of tangency; thence North 58 degrees 28 minutes 15 seconds East a distance of 108.90 feet; thence South 69 degrees 40 minutes 16 seconds East a distance of 113.74 feet to the westerly right-of-way boundary of said Tram Connector; thence South 20 degrees 19 minutes 44 seconds West a distance of 459.89 feet to a point of curve to the right; thence Southwesterly, along said curve, on a radius of 690.00 feet, through a central angle of 01 degrees 59 minutes 56 seconds, an arc distance of 24.07 feet (chord of 24.07 feet bears South 21 degrees 19 minutes 42 seconds West) to the POINT OF BEGINNING.

SECTION 27

That portion of Section 27, Township 1 South, Range 1 East, lying North of the right of way of State Road 261-A (Tram Road).

SECTIONS 28 and 29

Any portions of the North Half of Sections 28 and 29, Township 1 South, Range 1 East, which may be found to lie North of State Road 261 (Capital Circle).

AND ALSO

A 45.94-acre parcel lying in Sections 15, 16, 21 and 22 of Township 1 South, Range 1 South, Leon County, Florida and being recorded in Official Records Book 2245, Page 40 of the Public Records of Leon County, Florida as follows:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the centerline of Four Oaks Boulevard (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a iron rod and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet

through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a iron rod and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a iron rod and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a iron rod and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a iron rod and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a iron rod and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a iron rod and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oak Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West), thence North 45 degrees 02 minutes 49 seconds West 17.81 feet to a point on the easterly right of way boundary of Bald Cypress Way (right of way varies), thence along said easterly right of way boundary run North 01 degrees 59 minutes 19 seconds West 113.27 feet to a point of curve to the right, thence run northeasterly along said curve with a radius of 1357.00 feet through a central angle of 08 degrees 56 minutes 38 seconds for an arc distance of 211.83 feet (chord of 211.62 feet bears North 02 degrees 29 minutes 00 seconds East), thence run North 06 degrees 57 minutes 19 seconds East 105.16 feet, thence run North 83 degrees 02 minutes 41 seconds West 10.00 feet, thence run North 06 degrees 57 minutes 19 seconds East 1536.52 feet to a point on the southerly right of way boundary of Merchants Row Boulevard (right of way varies), thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 501.22 feet to a point of curve to the left having a radius of

1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING. The above-described parcel contains 45.94 acres more or less.

LESS AND EXCEPT the following described 1,081.55 acres more or less including all or part of Sections 2, 3, 9, 10, 11, 14, 15, and 16 Township 1 South, Range 1 East, Leon County, Florida.

A 38.37 Acre Parcel in Section 3 and 10, Township 1 South, range 1 East, Leon County Florida, more particularly described as follows:

Commence at a found 3/4" iron pipe marking the Southwest corner of Section 3, Township 1 South, Range 1 East, Leon County, Florida; thence along the Westerly boundary of Section 3 run North 00°27'17" West, a distance of 177.44 feet to the approximate centerline of Old St. Augustine Road (a Leon County, Florida maintained right of way); thence along said centerline run South 79°50'29" East, a distance of 994.58 feet, thence leaving said centerline run North 00°12'53" West, a distance of 17.95 feet to a point on the maintained right of way of said Old St Augustine Road and the POINT OF BEGINNING. From said POINT OF BEGINNING thence along the easterly boundary of a 100 foot City of Tallahassee Utility Right of Way run North 00°12'53" West, a distance of 1,316.49 feet to a point on the southerly boundary of Paradise Village East, Unit 2 (a subdivision as per map or plat recorded in Plat Book 6, Page 1 of the Public Records of Leon County, Florida); thence along said southerly boundary run North 89°14'24" East, a distance of 821.87 feet to a found 4" x 4" concrete monument, flat top; thence North 89°26'38" East, a distance of 200.27 feet to a found iron pipe; thence North 89°21'13" East, a distance of 131.76 feet to a found 3/4" iron pipe and SJPC guard monument; thence along the westerly boundary of that property recorded in Official Records Book 1528, page 1751 run South 00°13'43" West, a distance of 1,687.99 feet to a point on the northerly right of way boundary of said Old St Augustine Road; thence along said maintained right of way run North 58°29'23" West, a distance of 193.63 feet; thence North 60°47'12" West, a distance of 103.39 feet; thence North 67°03'52" West, a distance of 103.19 feet; thence North 72°58'14" West, a distance of 99.98 feet; thence North

77°44'32" West, a distance of 111.58 feet; thence North 79°39'27" West, a distance of 217.22 feet; thence North 78°24'57" West, a distance of 213.86 feet; thence North 81°19'22" West, a distance of 98.63 feet; thence North 76°55'43" West, a distance of 68.24 feet to the POINT OF BEGINNING. The above-described parcel contains 1,671,449.70 square feet or 38.37 acres, more or less.

AND ALSO

A 176.80-Acre Parcel in Sections 3, 10 and 11, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

BEGIN at a found pinched iron pipe marking the Southwest corner of the Southeast Quarter of Section 3, Township 1 South, Range 1 East, Leon County, Florida, thence along the easterly boundary of that property recorded in Official Records Book 1528, Page 1751 run North 00°11'54" East, a distance of 864.83 feet to a found iron pipe and SJPC guard monument; thence along the southerly boundary of that property recorded in Official Records Book 845, Page 729 run South 89°20'40" East, a distance of 323.66 feet to a found pinched iron pipe; thence along the easterly boundary of said property run North 00°14'32" East, a distance of 537.65 feet to a found 1" iron pipe; thence South 89°29'00" East, a distance of 322.81 feet to a found 6" x 6" SJPC concrete monument; thence South 00°48'39" West, a distance of 13.55 feet to a found 6" x 6" SJPC concrete monument; thence South 89°20'53" East, a distance of 167.41 feet to a found iron rod and cap, LB#6745; thence along the southerly boundary of the Wal-Mart Super Center (a subdivision as per map or plat recorded in Plat Book 12, Page 8 of the Public Records of Leon County, Florida) run South 89°28'59" East, a distance of 168.17 feet to a found iron rod and cap, LB#6246; thence North 00°38'19" East, a distance of 71.43 feet to a found iron rod and cap, LB#6246; thence North 87°50'52" East, a distance of 778.25 feet to a found iron rod and cap, LB#6246; thence along the easterly boundary of said Wal-Mart Super Center run North 00°31'30" East, a distance of 1,171.19 feet to a found iron and cap, LB# 6745; thence North 32°56'29" West, a distance of 121.96 feet to a found iron rod and cap, LB#6745; thence North 00°45'41" East, a distance of 218.75 feet to the southerly right of way boundary of Appalachian Parkway (State Road 20); thence along said southerly right of way boundary run North 85°34'35" East, a distance of 200.77 feet; thence leaving said southerly right of way boundary along the westerly boundary of that property recorded in Official Records Book 2317, Page 788 run South 00°36'45" West, a distance of 322.86 feet; thence along the southerly boundary of said property run South 89°41'02" East, a distance of 66.54 feet to a found pinched iron pipe; thence along the westerly boundary of those properties recorded in Official Records Book 1623, Page 739 and Official Records Book 133, Page 389 run South 00°33'01" West, a distance of 1,157.48 feet to a found 1-1/4" iron rod; thence along the southerly boundary of said property recorded in

Official Records Book 133, Page 389 run South 89°25'54" East, a distance of 646.13 feet to a point on the westerly maintained right of way boundary of Southwood Plantation Road (a Leon County, Florida maintained right of way); thence along said westerly maintained right of way run South 00°16'14" West, a distance of 5.39 feet; thence South 01°14'59" West, a distance of 377.99 feet; thence South 00°17'47" West, a distance of 485.66 feet; thence South 01°05'15" West, a distance of 307.47 feet; thence South 00°08'19" East, a distance of 105.02 feet; thence South 00°41'21" East, a distance of 67.66 feet; thence South 03°46'52" East, a distance of 72.89 feet; thence South 01°56'57" East, a distance of 62.01 feet; thence South 04°25'57" East, a distance of 63.83 feet; thence South 04°10'13" East, a distance of 61.89 feet; thence South 07°47'37" East, a distance of 62.60 feet; thence South 10°47'55" East, a distance of 61.46 feet; thence South 17°02'15" East, a distance of 64.74 feet; thence South 16°47'27" East, a distance of 59.13 feet; thence South 21°33'22" East, a distance of 62.50 feet; thence South 19°35'59" East, a distance of 108.30 feet; thence South 15°31'45" East, a distance of 66.10 feet; thence South 14°48'33" East, a distance of 61.60 feet; thence South 12°18'18" East, a distance of 58.84 feet; thence South 05°59'07" East, a distance of 58.06 feet; thence South 03°04'19" East, a distance of 60.47 feet; thence South 03°09'07" West, a distance of 60.44 feet; thence South 03°32'44" West, a distance of 68.32 feet; thence South 01°17'33" West, a distance of 151.12 feet; thence South 04°16'10" West, a distance of 153.69 feet; thence South 02°47'24" West, a distance of 220.92 feet; thence South 03°07'53" West, a distance of 305.65 feet; thence South 42°22'36" West, a distance of 36.68 feet to a point on the northerly maintained right of way boundary of Old St Augustine Road (a Leon County, Florida, maintained right of way); thence along said northerly maintained right of way boundary run North 87°25'23" West, a distance of 101.08 feet; thence North 77°26'22" West, a distance of 151.23 feet; thence North 78°16'36" West, a distance of 137.90 feet; thence North 78°31'10" West, a distance of 325.77 feet; thence North 77°40'43" West, a distance of 151.37 feet; thence North 78°04'42" West, a distance of 130.55 feet; thence North 78°22'42" West, a distance of 264.02 feet; thence North 74°13'57" West, a distance of 135.72 feet; thence North 68°20'13" West, a distance of 172.86 feet; thence North 58°57'37" West, a distance of 51.13 feet; thence North 57°18'14" West, a distance of 298.31 feet; thence North 55°53'57" West, a distance of 149.20 feet; thence North 56°56'17" West, a distance of 150.16 feet; thence North 57°34'22" West, a distance of 305.49 feet; thence North 57°11'09" West, a distance of 254.03 feet; thence North 56°33'32" West, a distance of 195.77 feet; thence leaving said northerly maintained right of way boundary run North 00°03'21" West along the easterly boundary of said property

recorded in Official Records Book 1528, Page 1751, a distance of 688.72 feet to the POINT OF BEGINNING. The above-described parcel contains 7,701,214.91 square feet or 176.80 acres, more or less.

AND ALSO

The above described parcel being subject to a City of Tallahassee Utility Easement as recorded in Official Records Book 1511, Page 109 and also a City of Tallahassee Utility Easement as recorded in Official Records Book 1951, Page 801 of the Public Records of Leon County, Florida.

A 26.59-Acre Parcel in Sections 2 and 11, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

Commence at a concrete monument, LB#3293 marking the Southwest corner of Section 2, Township 1 South, Range 1 East, Leon County, Florida, thence along the South boundary of said Section 2 run South 89°33'23" East, a distance of 401.70 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence South 03°00'57" West, a distance of 1,884.82 feet to a point on the northerly maintained right of way boundary of Old St Augustine Road (a Leon County, Florida maintained right of way); thence along said northerly maintained right of way run North 77°20'37" West, a distance of 23.36 feet; thence North 78°59'50" West, a distance of 97.61 feet; thence North 75°10'21" West, a distance of 40.67 feet; thence North 75°09'17" West, a distance of 76.34 feet to a point on the easterly maintained right of way boundary of Southwood Plantation Road (a Leon County, Florida maintained right of way); thence along said easterly maintained right of way boundary run North 02°19'12" East, a distance of 46.74 feet; thence North 03°36'00" East, a distance of 305.64 feet; thence North 03°39'29" East, a distance of 220.91 feet; thence North 03°57'13" East, a distance of 153.68 feet; thence North 03°14'09" East, a distance of 151.00 feet; thence North 03°27'10" East, a distance of 68.32 feet; thence North 01°43'15" East, a distance of 63.49 feet; thence North 00°47'36" West, a distance of 64.38 feet; thence North 06°56'30" West, a distance of 61.87 feet; thence North 10°08'20" West, a distance of 62.73 feet; thence North 15°03'48" West, a distance of 65.77 feet; thence North 17°45'08" West, a distance of 68.93 feet; thence North 23°33'56" West, a distance of 108.43 feet; thence North 14°02'16" West, a distance of 60.34 feet; thence North 20°47'22" West, a distance of 57.40 feet; thence North 14°23'40" West, a distance of 62.12 feet; thence North 11°45'14" West, a distance of 59.01 feet; thence North 08°42'24" West, a distance of 60.96 feet; thence North 06°00'01" West, a distance of 60.08 feet; thence North 03°57'56" West, a distance of 62.18 feet; thence North 04°17'08" West, a distance of 60.83 feet; thence North 00°13'34" West, a distance of 71.97 feet; thence North 00°15'43" West, a distance of 66.90 feet; thence North 00°08'23" West, a distance of 104.57 feet; thence North

00°26'07" East, a distance of 307.44 feet; thence North 00°03'26" East, a distance of 485.08 feet; thence North 01°12'53" East, a distance of 198.13 feet; thence leaving said easterly maintained right of way run North 89°50'19" East along the southerly boundary of that property recorded in Official Records Book 1890, Page 1175, a distance of 520.78 feet; thence South 03°00'57" West, a distance of 1,305.69 feet to the POINT OF BEGINNING. The above-described parcel contains 1,158,279.37 square feet or 26.59 acres, more or less.

AND ALSO

A 793.22-Acre parcel in Sections 3, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, and 27, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

BEGIN at a found 3/4" iron pipe marking the Southwest corner of Section 3, Township 1 South, Range 1 East, Leon County, Florida, thence along the westerly boundary of said Section 3 run North 00°27'17" West, a distance of 154.44 feet to a point on the southerly maintained right of way of Old St. Augustine Road; thence along said southerly maintained right of way run South 80°30'42" East, a distance of 105.57 feet; thence South 81°09'37" East, a distance of 199.64 feet; thence South 79°56'18" East, a distance of 188.58 feet; thence South 78°33'10" East, a distance of 73.47 feet; thence South 79°57'32" East, a distance of 147.21 feet; thence South 78°22'23" East, a distance of 100.71 feet; thence South 79°09'51" East, a distance of 77.52 feet to a point on the westerly boundary of a 100 foot City of Tallahassee utility right of way as recorded in Official Records Book 152, Page 128 of the Public records of Leon County, Florida; thence along said right of way run South 00°12'53" East, a distance of 46.15 feet; thence run South 33°37'19" West, a distance of 3144.51 feet; thence run South 89°06'28" East, a distance of 118.87 feet to a point on the easterly boundary of said 100 foot utility right of way; thence along said easterly right of way boundary run North 33° 37'19" East, a distance of 3110.66 feet; thence run North 00°12'53" West, a distance of 58.04 feet to a point on the southerly maintained right of way of said Old St. Augustine Road; thence along said southerly maintained right of way run South 81°34'29" East, a distance of 61.55 feet; thence South 79°29'20" East, a distance of 527.69 feet; thence South 76°49'05" East, a distance of 108.23 feet; thence South 73°20'10" East, a distance of 97.35 feet; thence South 66°37'08" East, a distance of 101.55 feet; thence South 61°33'30" East, a distance of 104.58 feet; thence South 56°53'17" East, a distance of 232.32 feet; thence South 57°14'20" East, a distance of 202.97 feet; thence South 57°03'35" East, a distance of 227.63 feet; thence South 56°14'10" East, a distance of 99.46 feet; thence South 57°41'48" East, a distance of 48.03 feet; thence leaving said southerly maintained right of way boundary run South 00°45'50" West, a distance of 591.82 feet to a found 1" iron pipe; thence South 88°44'41" East, a distance of 361.06 feet to a found 1" iron pipe; thence North 00°50'42" East, a distance



of 372.43 feet to a point on the southerly maintained right of way boundary of said Old St Augustine Road; thence along said southerly maintained right of way run South 56°45'39" East, a distance of 161.73 feet; thence South 57°45'47" East, a distance of 148.31 feet; thence South 56°43'39" East, a distance of 154.67 feet; thence South 58°02'32" East, a distance of 167.40 feet; thence South 56°36'42" East, a distance of 228.78 feet; thence South 58°11'05" East, a distance of 101.62 feet; thence South 64°07'41" East, a distance of 181.67 feet; thence South 76°10'54" East, a distance of 137.29 feet; thence South 78°18'21" East, a distance of 134.58 feet; thence South 77°17'09" East, a distance of 133.90 feet; thence South 78°18'16" East, a distance of 124.13 feet; thence South 77°28'58" East, a distance of 145.86 feet; thence leaving said southerly maintained right of way boundary run South 00°40'55" East, a distance of 1,396.29 feet to a found 6" round terra-cotta monument; thence South 89°21'19" East, a distance of 650.26 feet to the westerly maintained right of way boundary of Southwood Plantation Road (a Leon County, Florida maintained right of way); thence along said westerly maintained right of way run South 03°27'00" West, a distance of 2,055.74 feet to a found SJPC concrete monument; thence South 03°27'00" West, a distance of 76.43 feet; thence South 02°05'35" West, a distance of 23.41 feet; thence South 00°44'23" East, a distance of 25.46 feet; thence South 03°05'10" East, a distance of 15.02 feet to a point on the southerly boundary of Section 10, Township 1 East, Range 1 South, Leon County, Florida; thence leaving said westerly maintained right of way boundary along the southerly boundary of said Section 10 run North 89°39'35" East, a distance of 38.08 feet to a point on the easterly maintained right of way boundary of said Southwood Plantation Road; thence along said easterly maintained right of way boundary run North 07°04'29" East, a distance of 61.33 feet; thence North 05°43'01" East, a distance of 75.84 feet; thence North 03°33'16" East, a distance of 123.04 feet; thence North 03°33'11" East, a distance of 414.42 feet; thence North 00°58'27" East, a distance of 71.59 feet; thence North 08°20'06" West, a distance of 29.91 feet; thence North 03°26'50" East, a distance of 53.09 feet; thence North 03°29'10" East, a distance of 271.66 feet; thence North 03°27'09" East, a distance of 554.25 feet; thence North 03°26'40" East, a distance of 538.52 feet; thence North 02°33'12" East, a distance of 128.63 feet; thence North 04°25'53" East, a distance of 58.06 feet; thence North 03°33'19" East, a distance of 172.58 feet; thence North 03°29'20" East, a distance of 146.13 feet; thence North 03°23'09" East, a distance of 292.88 feet; thence North 03°41'47" East, a distance of 250.34 feet; thence North 03°00'17" East, a distance of 112.07 feet; thence North 03°18'24" East, a distance of 73.28 feet; thence North 55°51'48" East, a distance of 15.18 feet to a point on the southerly maintained right of way boundary of said Old St

Augustine Road; thence along said southerly maintained right of way boundary run South 83°43'49" East, a distance of 56.95 feet; thence South 80°39'06" East, a distance of 54.68 feet; thence South 77°29'03" East, a distance of 98.39 feet; thence South 77°34'21" East, a distance of 15.69 feet; thence leaving said southerly maintained right of way boundary run South 03°00'57" West, a distance of 2,197.60 feet to a point of curve to the right; thence run southerly along said curve with a radius of 2,700.39 feet through a central angle of 03°50'50" for an arc distance of 181.32 feet (chord of 181.29 feet bears South 04°56'22" West); thence South 06°51'48" West, a distance of 945.08 feet to a point on a non tangent curve concave west; thence run southerly along said curve with a radius of 3,342.64 feet through a central angle of 08°34'15" for an arc distance of 500.02 feet (chord of 499.56 feet bears South 16°40'37" East); thence South 76°00'03" West, a distance of 64.09 feet to a point on the easterly right of way boundary of Biltmore Avenue (a 68 foot right of way) as dedicated in Southwood Unit 25, a subdivision as recorded in Plat Book 16, Pages 86-88 of the Public Records of Leon County, Florida; thence along said easterly right of way boundary run South 13°59'57" East, a distance of 5.22 feet; thence leaving said easterly right of way boundary run South 76°00'03" West, a distance of 68.00 feet to a found 4" x 4" concrete monument, LB#3293, marking the intersection of westerly right of way boundary of said Biltmore Avenue with the northerly right of way boundary of Duxbury Lane (a 50 foot right of way) as dedicated in said Southwood Unit 25; thence along the northerly right of way of said Duxbury Lane continue South 76°00'03" West, a distance of 116.56 feet to a point of curve to the left; thence run southwesterly along said right of way curve with a radius of 702.00 feet through a central angle of 38°10'46" for an arc distance of 467.78 feet (chord of 459.18 feet bears South 56°54'40" West) to a point on the northeasterly right of way boundary of Strolling Way (a 50 foot right of way) as dedicated in said Southwood Unit 25; thence along the northeasterly right of way of said Strolling Way run North 52°10'43" West, a distance of 3.00 feet; thence leaving said northeasterly right of way boundary run South 37°49'17" West, a distance of 50.00 feet to a point on the southwesterly right of way of said Strolling Way; thence along the southwesterly right of way of said Strolling Way run South 52°10'43" East, a distance of 247.79 feet to a point of curve to the left; thence run southeasterly along said right of way curve with a radius of 325.00 feet through a central angle of 25°05'13" for an arc distance of 142.30 feet (chord of 141.17 feet bears South 64°43'19" East) to a point on a curve concave easterly and the westerly right of way boundary of Longfellow Road (a 54 foot right of way) as dedicated in said Southwood Unit 25; thence run southwesterly along the westerly right of way boundary of said Longfellow Road and curve with a radius of 407.00 feet through a central angle of 09°41'30" for an arc distance of 68.84 feet (chord of 68.76 feet bears South 01°27'47" West); thence South 03°22'58" East, a distance of 133.29 feet to found

4" x 4" concrete monument, LB#3293, and the northerly boundary of Lot 5, Southwood Golf Course, as per map or plat recorded in Plat Book 13, Pages 59-64 of the Public Records of Leon County, Florida; thence along the northerly boundary of said Southwood Golf Course, Lot 5, North 52°10'43" West, a distance of 951.22 feet; thence North 00°28'00" West, a distance of 735.02 feet; thence South 89°39'35" West, a distance of 285.68 feet; thence South 10°32'05" East, a distance of 160.66 feet; thence South 09°27'52" West, a distance of 82.37 feet; thence South 54°28'32" West, a distance of 116.57 feet; thence South 26°10'33" West, a distance of 71.41 feet; thence South 08°21'09" East, a distance of 126.58 feet; thence South 17°03'42" West, a distance of 88.44 feet; thence South 55°49'54" West, a distance of 88.93 feet; thence leaving said northerly boundary run South 15°14'02" East, a distance of 185.57 feet; thence run North 62°42'15" East, a distance of 92.19 feet; thence run South 29°00'09" East, a distance of 134.11 feet; thence run South 57°37'06" East, a distance of 533.88 feet; thence run South 63°45'53" East, a distance of 273.80 feet; thence run South 18°04'11" East, a distance of 414.68 feet; thence run South 36°22'45" West, a distance 268.09 feet; thence run South 48°51'04" West, a distance of 794.98 feet; thence run South 09°45'40" East, a distance of 436.81 feet; thence run South 34°09'29" West, a distance of 645.54 feet; thence run South 70°06'07" West, a distance of 716.14 feet to a point on a curve concave easterly and the easterly boundary of Mossy Creel Lane (a 48-foot right of way) as per Southwood Unit 4, Phase 3, a subdivision as per map or plat recorded in Plat Book 13, Page 1 of the Public Records of Leon County, Florida; thence run northeasterly along said right of way curve with a radius of 926.00 feet through a central angle of 09°55'36" for an arc distance of 160.43 feet (chord of 160.23 feet bears North 06°50'59" East); thence run North 11 degrees 48 minutes 47 seconds East, a distance of 510.64 feet; thence leaving said easterly right of way boundary and along the easterly boundary of said Southwood Unit 4, Phase 3, run South 78°11'13" East, a distance of 129.00 feet to a found 4" x 4" concrete monument, LB#3293; thence run North 16°13'22" East, a distance of 311.92 feet to a found 4"x 4" concrete monument, LB#3293; thence run North 34°08'29" East, a distance of 258.83 feet to a found 4"x 4" concrete monument, LB#3293; thence run North 02°20'35" East, a distance of 698.48 feet to a found 4" x 4" concrete monument, LB#3293; thence run North 13°38'19" East, a distance of 494.96 feet to a found 4" x 4" concrete monument, LB#3293; thence run North 02°29'52" West, a distance of 427.40 feet to a found 4" x 4" concrete monument, LB#3293; thence leaving said easterly boundary run North 62°42'15" East, a distance of 94.40 feet; thence run North 15°14'02" West, a distance of 177.81 feet to a point on the northerly boundary of said Southwood Golf Course Lot 5; thence along said northerly boundary run South 55°49'54" West, a distance of 59.12 feet; thence North 80°18'16" West, a distance of 84.81 feet; thence North 48°09'59" West, a distance

of 71.31 feet; thence North 63°13'39" West, a distance of 105.17 feet; thence North 32°37'47" West, a distance of 147.72 feet; thence North 10°22'35" West, a distance of 87.39 feet; thence North 20°04'27" West, a distance of 91.69 feet; thence North 10°31'34" West, a distance of 113.96 feet; thence North 18°47'15" West, a distance of 82.89 feet; thence North 18°47'15" West, a distance of 84.24 feet; thence North 29°50'20" West, a distance of 99.13 feet; thence North 68°26'44" West, a distance of 82.14 feet; thence North 10°15'22" West, a distance of 63.03 feet; thence North 13°07'12" East, a distance of 163.19 feet; thence North 44°49'43" West, a distance of 130.49 feet; thence North 44°12'28" West, a distance of 164.22 feet; thence North 24°27'15" West, a distance of 105.94 feet; thence North 38°00'44" East, a distance of 93.30 feet; thence run North 62°23'33" East, a distance of 144.16 feet; thence run North 73°30'52" East, a distance of 85.52 feet; thence North 89°17'07" East, a distance of 116.01 feet; thence North 16°27'15" East, a distance of 121.96 feet; thence North 36°16'13" West, a distance of 53.07 feet; thence North 89°03'54" West, a distance of 564.76 feet; thence North 73°32'43" West, a distance of 205.82 feet; thence South 04°56'32" East, a distance of 53.70 feet to a found 5/8" iron rod and cap, LB#3293, marking the Northeast corner of Mossy Creek Lane (a 48 foot right of way) as dedicated in Southwood Unit 9, a subdivision as per map or plat recorded in Plat Book 13, Page 36 of the Public Records of Leon County, Florida; thence along the northerly boundary of said Southwood Unit 9 run North 73°32'43" West, a distance of 51.55 feet to a found 4"x 4" concrete monument, LB#3293 marking the Northwest corner of said Mossy Creek Lane and the Southeast corner of Lot 4 of said Southwood Golf Course; thence along the easterly boundary of said Southwood Golf Course run North 04°56'32" West, a distance of 231.94 feet; thence along the northerly boundary of said Southwood Golf Course Lot 4 run North 78°15'27" West, a distance of 452.86 feet; thence North 11°31'58" East, a distance of 180.44 feet; thence North 68°49'43" West, a distance of 56.81 feet to a point of curve to the left; thence run northwesterly along said curve with a radius of 1175.00 feet through a central angle of 19°52'06" for an arc distance of 407.45 feet (chord of 405.41 feet bears North 78°45'46" West); thence South 01°47'27" West, a distance of 194.49 feet; thence South 81°21'10" West, a distance of 582.89 feet to a found 4"x 4" concrete monument, LB#3293, and the easterly right of way boundary of Four Oaks Boulevard (a 121 foot right of way) as dedicated in Southwood Unit 17, a subdivision as recorded in Plat Book 15, Pages 56-60 of the Public Records of Leon County, Florida; thence run northeasterly along said easterly right of way and a curve concave northwesterly with a radius of 6600.50 feet through a central angle of 00°35'35" for an arc distance of 68.31 feet (chord of 68.31 feet bears North 00°30'40" East) to a found 4"x 4" concrete monument, LB#3293, marking the Northeast corner of said Four Oaks Boulevard; thence along the northerly

boundary of said Southwood Unit 17 run North 89°47'08" West, a distance of 121.00 feet to a found 4"x 4" concrete monument, LB#3293, marking the Northwest corner of said Four Oaks Boulevard; thence continuing along the northerly boundary of said Southwood Unit 17 run South 89°58'05" West, a distance of 201.80 feet; thence South 40°54'27" West, a distance of 162.47 feet; thence South 00°50'38" East, a distance of 22.07 feet to a found 4"x 4" concrete monument, LB#3293, and the northerly boundary of Southwood Unit 18, a subdivision as per map or plat recorded in Plat Book 15, Page 75-77 of the Public Records of Leon County, Florida; thence along the northerly boundary of said Southwood Unit 18 run South 61°49'45" West, a distance of 104.17 feet; thence South 71°56'10" West, a distance of 280.66 feet; thence South 79°39'09" West, a distance of 259.02 feet; thence South 35°20'40" East, a distance of 260.59 feet; thence South 08°47'44" West, a distance of 133.24 feet; thence South 27°43'31" West, a distance of 137.91 feet; thence South 48°28'21" West, a distance of 228.85 feet; thence South 87°15'54" West, a distance of 116.85 feet to a found 4"x 4" concrete monument, LB#3293, and the northerly boundary of Lot 1 of said Southwood Golf Course; thence along the northerly boundary of said Southwood Golf Course Lot 1 run South 59°41'38" East, a distance of 90.06 feet to a found 4"x 4" concrete monument, LB#3293; thence run South 58°28'11" East, a distance of 123.26 feet to a found 4"x 4" concrete monument, LB#3293; thence run South 60°04'19" East, a distance of 398.96 feet to a found 4"x 4" concrete monument, LB#3293; thence run South 59°41'38" East, a distance of 498.10 feet to a point on a curve concave northwesterly and the easterly right of way boundary of said Four Oaks Boulevard; thence run southwesterly along said curve with a radius of 6479.50 feet through a central angle of 00°32'09" for an arc distance of 60.60 feet (chord of 60.60 feet bears South 13°58'45" West) to a point of compound curve to the right; thence run southwesterly along said right of way curve with a radius of 665.50 feet through a central angle of 46°27'54" for an arc distance of 539.70 feet (chord of 525.03 feet bears South 37°28'47" West) to a point on the southerly boundary of said Southwood Golf Course, Lot 1; thence continue along said right of way curve with a radius of 665.50 feet through a central angle of 16°58'13" for an arc distance of 197.11 feet (chord of 196.39 feet bears South 69°11'51" West) to a point on the northerly right of way boundary of Blair Stone Road (a 121-foot roadway) as recorded in said Southwood Unit 17; thence along said northerly right of way boundary run South 77°40'57" West, a distance of 148.82 feet to a point of curve to the right; thence run southwesterly along said right of way curve with a radius of 1339.50 feet through a central angle of 22°05'26" for an arc distance of 516.45 feet (chord of 513.26 feet bears South 88°43'40" West); thence run North 80°13'36" West, a distance of 147.85 feet to a point on the southerly boundary of said Southwood Golf Course, Lot 1; thence continue along said northerly right of way boundary North

80°13'36" West, a distance of 52.12 feet to a point of curve to the left; thence run southwesterly along said right of way curve with a radius of 1560.50 feet through a central angle of 31°39'55" for an arc distance of 862.43 feet (chord of 851.49 feet bears South 83°56'26" West); thence run South 68°06'29" West, a distance of 216.19 feet to a point on the westerly boundary of said Southwood Golf Course, Lot 1; thence along said northerly right of way boundary continue South 68°06'29" West, a distance of 59.74 feet to a point of curve to the right; thence run southwesterly along said right of way curve with a radius of 1214.80 feet through a central angle of 20°26'09" for an arc distance of 433.28 feet (chord of 430.99 feet bears South 78°19'35" West); thence leaving said northerly right of way boundary along the westerly boundary of Lot 2 of Southwood Unit 24, a subdivision as per map or plat recorded in Plat Book 16, Page 65 of the Public Records of Leon County, Florida run North 03°40'38" West, a distance of 240.85 feet to a point on the southerly boundary of Southwood Unit 20, Phases 1 & 2, a subdivision as per map or plat recorded in Plat Book 16, Page 58 of the Public Records of Leon County, Florida; thence along said southerly boundary run North 89°49'59" East, a distance of 196.46 feet; thence North 78°28'33" East, a distance of 50.00 feet to a point on a curve concave northeasterly and the westerly right of way boundary of Esplanade Way (right of way varies) as dedicated in said Southwood Unit 20, Phases 1 & 2; thence run northeasterly along said right of way curve with a radius of 2002.82 feet through a central angle of 27°42'05" for an arc distance of 968.32 feet (chord of 958.52 feet bears North 02°19'35" East); thence North 16°10'38" East, a distance of 104.52 feet to terminus of said Esplanade Way; thence along the easterly boundary of said Southwood Unit 20, Phases 1 & 2 continue North 16°10'38" East, a distance of 279.07 feet to a point of curve to the left; thence northeasterly along said curve with a radius of 817.50 feet through a central angle of 30°31'34" for an arc distance of 435.55 feet (chord of 430.42 feet bears North 00°54'51" East); thence along the northerly boundary of said Southwood Unit 20, Phases 1 & 2 run South 75°39'04" West, a distance of 50.00 feet; thence North 89°58'19" West, a distance of 572.39 feet to a found 4"x 4" concrete monument, LB#3293; thence continue North 89°58'19" West, a distance of 150.00 feet to the easterly right of way boundary of Capital Circle SE (State Road 261); thence along said easterly right run North 00°01'41" East, a distance of 422.60 feet; thence North 89°58'19" West, a distance of 5.00 feet; thence North 00°01'41" East, a distance of 854.62 feet; thence North 00°53'29" East, a distance of 444.58 feet; thence South 89°06'31" East, a distance of 15.00 feet; thence North 00°53'29" East, a distance of 533.70 feet to a point of curve to the right; thence run northerly along said curve with a radius of 1,844.78 feet through a central angle of 26°00'07" for an arc distance of 837.19 feet (chord of 830.03 feet bears North 13°53'32" East); thence North 63°06'25" West, a distance of 15.00 feet to a point on a non tangent curve concave southeast; thence run northeasterly along said curve with a radius of

1,859.78 feet through a central angle of 26°57'30" for an arc distance of 875.05 feet (chord of 867.00 feet bears North 40°22'20" East); thence North 53°51'06" East, a distance of 577.38 feet; thence leaving said easterly right of way boundary run South 00°09'17" West along the westerly boundary of the Plat of Alice Hill Property (unrecorded), a distance of 992.07 feet a found 1" iron pipe; thence North 87°42'40" East, a distance of 209.98 feet to a found iron rod and cap, LB#3732, and SJPC guard monument; thence South 00°20'38" West, a distance of 209.74 feet to a found 1" pinched iron pipe and SJPC guard monument; thence along the southerly boundary of said Plat of Alice Hill Property run North 87°47'14" East, a distance of 1,111.11 feet a SJPC concrete monument; thence along the easterly boundary of said Plat of Alice Hill Property run North 00°01'12" East, a distance of 1,356.16 feet to the POINT OF BEGINNING. The above-described parcel contains 34,705,184.45 square feet or 796.72 acres, more or less.

LESS AND EXCEPT

A 1.0-acre parcel recorded in Official Records Book 923, Page 1378 of the Public Records of Leon County, Florida and being more particularly described as follows:

COMMENCE at the Southeast corner of Section 10, Township 1 South, Range 1 East, Leon County, Florida thence North 89°19'08" West, a distance of 143.31 feet to a point on the westerly maintained right of way boundary of Southwood Plantation Road; thence along said westerly maintained right of way boundary run North 03°05'10" West, a distance of 15.02 feet; thence North 00°44'23" West, a distance of 25.46 to the POINT OF BEGINNING. From said POINT OF BEGINNING thence South 89°53'09" West, a distance of 433.49 feet to a found SJPC concrete monument; thence North 02°53'38" East, a distance of 99.81 feet to a found SJPC concrete monument; thence North 89°53'09" East, a distance of 433.91 feet to a found SJPC concrete monument and the maintained westerly boundary of said Southwood Plantation Road; thence along said maintained westerly right of way boundary run South 03°27'00" West, a distance of 76.43 feet; thence South 02°05'35" West, a distance of 23.41 feet to the POINT OF BEGINNING. The above-described property contains 0.99 acres more or less.

LESS AND EXCEPT

A 2.57-acre parcel recorded in Official Records Book 1446, Page 1291 of the Public Records of Leon County, Florida and being more particularly described as follows:

BEGIN at a found 6" round terra-cotta monument marking the Southwest corner of the Southeast quarter of Section 10, Township 1 South, Range 1 East, Leon County, Florida and thence run North 00°20'25" West, a distance of 200.00 feet; thence run South 89°39'35" East, a distance of 500.00 feet; thence South 00°20'25" East, a distance of 185.00 feet; thence North 89°39'35" East, a distance of 630.68 feet to a point on the maintained westerly right of way boundary of Southwood Plantation Road; thence along said maintained westerly right

of way boundary run South 03°05'10" East, a distance of 15.02 feet; thence South 89°39'35" West, a distance of 1131.40 feet to the POINT OF BEGINNING. The above-described parcel contains 2.51 acres more or less.

AND ALSO

A 46.57 Acre Parcel in Section 21, Township 1 South, Range 1 East, Leon County, Florida, recorded in Official Records Book 2245, Page 40 of the Public Records of Leon County, Florida, being more particularly described as follows:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1101.78 feet to a nail and cap marking a point of curve to the right having a radius of 3205.07 feet; thence continue along said centerline curve 957.24 feet (chord bears North 68 degrees 25 minutes 19 seconds West 953.69 feet) to a nail and cap; thence run North 59 degrees 51 minutes 57 seconds West along said centerline 1469.04 feet to the centerline of Capital Circle (State Road No. 261); thence continue along the centerline of said Tram Road, North 59 degrees 59 minutes 41 seconds West 131.43 feet; thence leaving said centerline run North 12 degrees 00 minutes 27 seconds East 34.47 feet to a concrete monument on the northerly right-of-way of said Tram Road marking the POINT OF BEGINNING. From said POINT OF BEGINNING thence run North 59 degrees 59 minutes 41 seconds West along the right-of-way boundary of Tram Road 1302.84 feet to a concrete monument marking the easterly right-of-way boundary of a proposed 120 foot roadway; thence run North 30 degrees 00 minutes 19 seconds East along said easterly right-of-way 253.21 feet to a point of curve to the left having a radius of 1575.00 feet; thence run northeasterly along said right-of-way curve 812.67 feet (chord bears North 15 degrees 13 minutes 25 seconds East 803.69 feet); thence run North 00 degrees 26 minutes 30 seconds East 396.20 feet to a point of curve to the right having a radius of 30.00 feet; thence run northeasterly along said curve 47.12 feet (chord bears North 58 degrees 20 minutes 27 seconds East 68.51 feet) to the southerly right-of-way boundary of Shumard Oak Blvd.; thence run South 89 degrees 33 minutes 30 seconds East along said south right-of-way 254.27 feet to a point of curve to the right having a radius of 4325.00 feet; thence run southeasterly along said curve 512.70 feet (chord bears South 86 degrees 09 minutes 44 seconds East 512.40 feet); thence run South 82 degrees 45 minutes 59 seconds East 407.94 feet to a point lying 150 feet west of the centerline of said Capital Circle; thence run southerly along a line lying 150 feet west of and parallel to the centerline of said Capital Circle along a curve to the right having a radius of 3694.66 feet for an arc distance of 257.83 feet (chord bears South 10 degrees 00 minutes 30 seconds West

257.78 feet); thence run South 12 degrees 00 minutes 27 seconds West along said parallel line 1769.49 feet to the POINT OF BEGINNING; containing 46.57 acres, more or less.

The above-described parcels contain an aggregate area of 2,205.39 ~~3,286.94~~ acres more or less.

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History—New 2-28-00, Amended 11-1-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa Saliba, Florida Land and Water Adjudicatory Commission  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Saliba, Florida Land and Water Adjudicatory Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

**LAND AND WATER ADJUDICATORY COMMISSION**

**Southeastern Community Development District**

RULE NOS.:	RULE TITLES:
42III-1.001	Establishment
42III-1.002	Boundary
42III-1.003	Supervisors

PURPOSE AND EFFECT: The petition, as revised, filed by The St. Joe Company requests the Commission establish a community development district located entirely within the City of Tallahassee, and unincorporated Leon County, Florida. The land area proposed to be served by the District comprises approximately 1,034.98 acres. A general location map is contained as Exhibit 1 to the petition, as revised, to establish the District. The proposed land area is generally located north of Tram Road, east of Capital Circle S.E. and south of Apalachee Parkway. There are two out-parcels located within the external boundaries of the proposed District to be excluded from the District. The current owners’ names and addresses of the two out-parcels are contained in the petition, as revised. The Petitioner either owns or has obtained written consent to establish the District from the owners of 100% of the real property located within the proposed District. The current plans within the District boundaries envision approximately 1,184 single family homes, 222 townhomes, 28 villas, 451 apartments and 200,000 square feet of commercial and office space. The District plans to finance certain master infrastructure improvements within the District boundaries. These improvements include roadways, entrance features, recreation improvements and storm water management facilities.

SUMMARY: The petition, as revised, filed by The St. Joe Company requests the Commission establish a community development district located entirely within the City of

Tallahassee, and unincorporated Leon County, Florida. The land area proposed to be served by the District comprises approximately 1,034.98 acres. A general location map is contained as Exhibit 1 to the petition, as revised, to establish the District. The proposed land area is generally located north of Tram Road, east of Capital Circle S.E. and south of Apalachee Parkway. There are two out-parcels located within the external boundaries of the proposed District to be excluded from the District. The current owners’ names and addresses of the two out-parcels are contained in the petition, as revised. The Petitioner either owns or has obtained written consent to establish the District from the owners of 100% of the real property located within the proposed District. The current plans within the District boundaries envision approximately 1,184 single family homes, 222 townhomes, 28 villas, 451 apartments and 200,000 square feet of commercial and office space. The District plans to finance certain master infrastructure improvements within the District boundaries. These improvements include roadways, entrance features, recreation improvements and storm water management facilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition, as revised, to establish the District. The complete text of the SERC is contained as Exhibit 8 to the petition, as revised. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the District, the State of Florida, the City of Tallahassee, and Leon County are principal entities that are likely to be required to comply with the rule. In addition, current and future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur administrative costs. The City of Tallahassee and Leon County will incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a \$15,000 filing fee paid to the City of Tallahassee and

Leon County to offset any costs it may incur. Adoption of the proposed rule to approve the formation of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition, as revised, to establish the District will have no impact or a positive impact on small businesses. The petition, as revised, to establish the District will not have an impact on small cities or small counties as defined by section 120.52(17), F.S., as the City of Tallahassee and Leon County are not defined as a small city or small county. Under section (e), the analysis provided in the SERC was based on a straightforward application of economic theory. Input was received from the developer's engineer and other professionals associated with the developer.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, November 7, 2007, 10:00 a.m.

PLACE: The Capitol, Room 2103, Tallahassee, Florida 32399-0001

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

SOUTHEASTERN COMMUNITY DEVELOPMENT  
DISTRICT

42III-1.001 Establishment.

The Southeastern Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New \_\_\_\_\_.

42III-1.002 Boundary.

The boundaries of the district are as follows:

1.034. 98 acres more or less including all or part of Section 2, 3, 9, 10, 11, 14, 15, and 16 Township 1 South, Range 1 East, Leon County, Florida

A 38.37 Acre Parcel in Section 3 and 10, Township 1 South, range 1 East, Leon County Florida, more particularly described as follows:

Commence at a found 3/4" iron pipe marking the Southwest corner of Section 3, Township 1 South, Range 1 East, Leon County, Florida; thence along the Westerly boundary of Section 3 run North 00°27'17" West, a distance of 177.44 feet to the approximate centerline of Old St. Augustine Road (a Leon County, Florida maintained right of way); thence along said centerline run South 79°50'29" East, a distance of 994.58 feet, thence leaving said centerline run North 00°12'53" West, a distance of 17.95 feet to a point on the maintained right of way of said Old St Augustine Road and the POINT OF BEGINNING. From said POINT OF BEGINNING thence along the easterly boundary of a 100 foot City of Tallahassee Utility Right of Way run North 00°12'53" West, a distance of 1,316.49 feet to a point on the southerly boundary of Paradise Village East, Unit 2 (a subdivision as per map or plat recorded in Plat Book 6, Page 1 of the Public Records of Leon County, Florida); thence along said southerly boundary run North 89°14'24" East, a distance of 821.87 feet to a found 4" x 4" concrete monument, flat top; thence North 89°26'38" East, a distance of 200.27 feet to a found iron pipe; thence North 89°21'13" East, a distance of 131.76 feet to a found 3/4" iron pipe and SJPC guard monument; thence along the westerly boundary of that property recorded in Official Records Book 1528, page 1751 run South 00°13'43" West, a distance of 1,687.99 feet to a point on the northerly right of way boundary of said Old St Augustine Road; thence along said maintained right of way run North 58°29'23" West, a distance of 193.63 feet; thence North 60°47'12" West, a distance of 103.39 feet; thence North 67°03'52" West, a distance of 103.19 feet; thence

North 72°58'14" West, a distance of 99.98 feet; thence North 77°44'32" West, a distance of 111.58 feet; thence North 79°39'27" West, a distance of 217.22 feet; thence North 78°24'57" West, a distance of 213.86 feet; thence North 81°19'22" West, a distance of 98.63 feet; thence North 76°55'43" West, a distance of 68.24 feet to the POINT OF BEGINNING. The above-described parcel contains 1,671,449.70 square feet or 38.37 acres, more or less.

AND ALSO

A 176.80-Acre Parcel in Sections 3, 10 and 11, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

BEGIN at a found pinched iron pipe marking the Southwest corner of the Southeast Quarter of Section 3, Township 1 South, Range 1 East, Leon County, Florida, thence along the easterly boundary of that property recorded in Official Records Book 1528, Page 1751 run North 00°11'54" East, a distance of 864.83 feet to a found iron pipe and SJPC guard monument; thence along the southerly boundary of that property recorded in Official Records Book 845, Page 729 run South 89°20'40" East, a distance of 323.66 feet to a found pinched iron pipe; thence along the easterly boundary of said property run North 00°14'32" East, a distance of 537.65 feet to a found 1" iron pipe; thence South 89°29'00" East, a distance of 322.81 feet to a found 6"x 6" SJPC concrete monument; thence South 00°48'39" West, a distance of 13.55 feet to a found 6"x 6" SJPC concrete monument; thence South 89°20'53" East, a distance of 167.41 feet to a found iron rod and cap, LB#6745; thence along the southerly boundary of the Wal-Mart Super Center (a subdivision as per map or plat recorded in Plat Book 12, Page 8 of the Public Records of Leon County, Florida) run South 89°28'59" East, a distance of 168.17 feet to a found iron rod and cap, LB#6246; thence North 00°38'19" East, a distance of 71.43 feet to a found iron rod and cap, LB#6246; thence North 87°50'52" East, a distance of 778.25 feet to a found iron rod and cap, LB#6246; thence along the easterly boundary of said Wal-Mart Super Center run North 00°31'30" East, a distance of 1,171.19 feet to a found iron and cap, LB# 6745; thence North 32°56'29" West, a distance of 121.96 feet to a found iron rod and cap, LB#6745; thence North 00°45'41" East, a distance of 218.75 feet to the southerly right of way boundary of Appalachian Parkway (State Road 20); thence along said southerly right of way boundary run North 85°34'35" East, a distance of 200.77 feet; thence leaving said southerly right of way boundary along the westerly boundary of that property recorded in Official Records Book 2317, Page 788 run South 00°36'45" West, a distance of 322.86 feet; thence along the southerly boundary of said property run South 89°41'02" East, a distance of 66.54 feet to a found pinched iron pipe; thence along the westerly boundary of those properties recorded in Official Records Book 1623, Page 739 and Official Records Book 133, Page 389 run South 00°33'01" West, a distance of 1,157.48 feet to a found 1-1/4" iron rod; thence

along the southerly boundary of said property recorded in Official Records Book 133, Page 389 run South 89°25'54" East, a distance of 646.13 feet to a point on the westerly maintained right of way boundary of Southwood Plantation Road (a Leon County, Florida maintained right of way); thence along said westerly maintained right of way run South 00°16'14" West, a distance of 5.39 feet; thence South 01°14'59" West, a distance of 377.99 feet; thence South 00°17'47" West, a distance of 485.66 feet; thence South 01°05'15" West, a distance of 307.47 feet; thence South 00°08'19" East, a distance of 105.02 feet; thence South 00°41'21" East, a distance of 67.66 feet; thence South 03°46'52" East, a distance of 72.89 feet; thence South 01°56'57" East, a distance of 62.01 feet; thence South 04°25'57" East, a distance of 63.83 feet; thence South 04°10'13" East, a distance of 61.89 feet; thence South 07°47'37" East, a distance of 62.60 feet; thence South 10°47'55" East, a distance of 61.46 feet; thence South 17°02'15" East, a distance of 64.74 feet; thence South 16°47'27" East, a distance of 59.13 feet; thence South 21°33'22" East, a distance of 62.50 feet; thence South 19°35'59" East, a distance of 108.30 feet; thence South 15°31'45" East, a distance of 66.10 feet; thence South 14°48'33" East, a distance of 61.60 feet; thence South 12°18'18" East, a distance of 58.84 feet; thence South 05°59'07" East, a distance of 58.06 feet; thence South 03°04'19" East, a distance of 60.47 feet; thence South 03°09'07" West, a distance of 60.44 feet; thence South 03°32'44" West, a distance of 68.32 feet; thence South 01°17'33" West, a distance of 151.12 feet; thence South 04°16'10" West, a distance of 153.69 feet; thence South 02°47'24" West, a distance of 220.92 feet; thence South 03°07'53" West, a distance of 305.65 feet; thence South 42°22'36" West, a distance of 36.68 feet to a point on the northerly maintained right of way boundary of Old St Augustine Road (a Leon County, Florida, maintained right of way); thence along said northerly maintained right of way boundary run North 87°25'23" West, a distance of 101.08 feet; thence North 77°26'22" West, a distance of 151.23 feet; thence North 78°16'36" West, a distance of 137.90 feet; thence North 78°31'10" West, a distance of 325.77 feet; thence North 77°40'43" West, a distance of 151.37 feet; thence North 78°04'42" West, a distance of 130.55 feet; thence North 78°22'42" West, a distance of 264.02 feet; thence North 74°13'57" West, a distance of 135.72 feet; thence North 68°20'13" West, a distance of 172.86 feet; thence North 58°57'37" West, a distance of 51.13 feet; thence North 57°18'14" West, a distance of 298.31 feet; thence North 55°53'57" West, a distance of 149.20 feet; thence North 56°56'17" West, a distance of 150.16 feet; thence North 57°34'22" West, a distance of 305.49 feet; thence North 57°11'09" West, a distance of 254.03 feet; thence North 56°33'32" West, a distance of 195.77 feet; thence leaving said northerly maintained right of way boundary run North

00°03'21" West along the easterly boundary of said property recorded in Official Records Book 1528, Page 1751, a distance of 688.72 feet to the POINT OF BEGINNING. The above-described parcel contains 7,701,214.91 square feet or 176.80 acres, more or less.

The above described parcel being subject to a City of Tallahassee Utility Easement as recorded in Official Records Book 1511, Page 109 and also a City of Tallahassee Utility Easement as recorded in Official Records Book 1951, Page 801 of the Public Records of Leon County, Florida.

AND ALSO

A 26.59-Acre Parcel in Sections 2 and 11, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

Commence at a concrete monument, LB#3293 marking the Southwest corner of Section 2, Township 1 South, Range 1 East, Leon County, Florida, thence along the South boundary of said Section 2 run South 89°33'23" East, a distance of 401.70 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence South 03°00'57" West, a distance of 1,884.82 feet to a point on the northerly maintained right of way boundary of Old St Augustine Road (a Leon County, Florida maintained right of way); thence along said northerly maintained right of way run North 77°20'37" West, a distance of 23.36 feet; thence North 78°59'50" West, a distance of 97.61 feet; thence North 75°10'21" West, a distance of 40.67 feet; thence North 75°09'17" West, a distance of 76.34 feet to a point on the easterly maintained right of way boundary of Southwood Plantation Road (a Leon County, Florida maintained right of way); thence along said easterly maintained right of way boundary run North 02°19'12" East, a distance of 46.74 feet; thence North 03°36'00" East, a distance of 305.64 feet; thence North 03°39'29" East, a distance of 220.91 feet; thence North 03°57'13" East, a distance of 153.68 feet; thence North 03°14'09" East, a distance of 151.00 feet; thence North 03°27'10" East, a distance of 68.32 feet; thence North 01°43'15" East, a distance of 63.49 feet; thence North 00°47'36" West, a distance of 64.38 feet; thence North 06°56'30" West, a distance of 61.87 feet; thence North 10°08'20" West, a distance of 62.73 feet; thence North 15°03'48" West, a distance of 65.77 feet; thence North 17°45'08" West, a distance of 68.93 feet; thence North 23°33'56" West, a distance of 108.43 feet; thence North 14°02'16" West, a distance of 60.34 feet; thence North 20°47'22" West, a distance of 57.40 feet; thence North 14°23'40" West, a distance of 62.12 feet; thence North 11°45'14" West, a distance of 59.01 feet; thence North 08°42'24" West, a distance of 60.96 feet; thence North 06°00'01" West, a distance of 60.08 feet; thence North 03°57'56" West, a distance of 62.18 feet; thence North 04°17'08" West, a distance of 60.83 feet; thence North 00°13'34" West, a distance of 71.97 feet; thence North 00°15'43" West, a distance of 66.90 feet; thence North

00°08'23" West, a distance of 104.57 feet; thence North 00°26'07" East, a distance of 307.44 feet; thence North 00°03'26" East, a distance of 485.08 feet; thence North 01°12'53" East, a distance of 198.13 feet; thence leaving said easterly maintained right of way run North 89°50'19" East along the southerly boundary of that property recorded in Official Records Book 1890, Page 1175, a distance of 520.78 feet; thence South 03°00'57" West, a distance of 1,305.69 feet to the POINT OF BEGINNING. The above-described parcel contains 1,158,279.37 square feet or 26.59 acres, more or less.

AND ALSO

A 793.22-Acre parcel in Sections 3, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, and 27, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

BEGIN at a found 3/4" iron pipe marking the Southwest corner of Section 3, Township 1 South, Range 1 East, Leon County, Florida, thence along the westerly boundary of said Section 3 run North 00°27'17" West, a distance of 154.44 feet to a point on the southerly maintained right of way of Old St. Augustine Road; thence along said southerly maintained right of way run South 80°30'42" East, a distance of 105.57 feet; thence South 81°09'37" East, a distance of 199.64 feet; thence South 79°56'18" East, a distance of 188.58 feet; thence South 78°33'10" East, a distance of 73.47 feet; thence South 79°57'32" East, a distance of 147.21 feet; thence South 78°22'23" East, a distance of 100.71 feet; thence South 79°09'51" East, a distance of 77.52 feet to a point on the westerly boundary of a 100 foot City of Tallahassee utility right of way as recorded in Official Records Book 152, Page 128 of the Public records of Leon County, Florida; thence along said right of way run South 00°12'53" East, a distance of 46.15 feet; thence run South 33°37'19" West, a distance of 3144.51 feet; thence run South 89°06'28" East, a distance of 118.87 feet to a point on the easterly boundary of said 100 foot utility right of way; thence along said easterly right of way boundary run North 33°37'19" East, a distance of 3110.66 feet; thence run North 00°12'53" West, a distance of 58.04 feet to a point on the southerly maintained right of way of said Old St. Augustine Road; thence along said southerly maintained right of way run South 81°34'29" East, a distance of 61.55 feet; thence South 79°29'20" East, a distance of 527.69 feet; thence South 76°49'05" East, a distance of 108.23 feet; thence South 73°20'10" East, a distance of 97.35 feet; thence South 66°37'08" East, a distance of 101.55 feet; thence South 61°33'30" East, a distance of 104.58 feet; thence South 56°53'17" East, a distance of 232.32 feet; thence South 57°14'20" East, a distance of 202.97 feet; thence South 57°03'35" East, a distance of 227.63 feet; thence South 56°14'10" East, a distance of 99.46 feet; thence South 57°41'48" East, a distance of 48.03 feet; thence leaving said southerly maintained right of way boundary run South 00°45'50" West, a distance of 591.82 feet to a found 1" iron pipe; thence South 88°44'41" East, a distance of 361.06 feet to



a found 1" iron pipe; thence North 00°50'42" East, a distance of 372.43 feet to a point on the southerly maintained right of way boundary of said Old St Augustine Road; thence along said southerly maintained right of way run South 56°45'39" East, a distance of 161.73 feet; thence South 57°45'47" East, a distance of 148.31 feet; thence South 56°43'39" East, a distance of 154.67 feet; thence South 58°02'32" East, a distance of 167.40 feet; thence South 56°36'42" East, a distance of 228.78 feet; thence South 58°11'05" East, a distance of 101.62 feet; thence South 64°07'41" East, a distance of 181.67 feet; thence South 76°10'54" East, a distance of 137.29 feet; thence South 78°18'21" East, a distance of 134.58 feet; thence South 77°17'09" East, a distance of 133.90 feet; thence South 78°18'16" East, a distance of 124.13 feet; thence South 77°28'58" East, a distance of 145.86 feet; thence leaving said southerly maintained right of way boundary run South 00°40'55" East, a distance of 1,396.29 feet to a found 6" round terra-cotta monument; thence South 89°21'19" East, a distance of 650.26 feet to the westerly maintained right of way boundary of Southwood Plantation Road (a Leon County, Florida maintained right of way); thence along said westerly maintained right of way run South 03°27'00" West, a distance of 2,055.74 feet to a found SJPC concrete monument; thence South 03°27'00" West, a distance of 76.43 feet; thence South 02°05'35" West, a distance of 23.41 feet; thence South 00°44'23" East, a distance of 25.46 feet; thence South 03°05'10" East, a distance of 15.02 feet to a point on the southerly boundary of Section 10, Township 1 East, Range 1 South, Leon County, Florida; thence leaving said westerly maintained right of way boundary along the southerly boundary of said Section 10 run North 89°39'35" East, a distance of 38.08 feet to a point on the easterly maintained right of way boundary of said Southwood Plantation Road; thence along said easterly maintained right of way boundary run North 07°04'29" East, a distance of 61.33 feet; thence North 05°43'01" East, a distance of 75.84 feet; thence North 03°33'16" East, a distance of 123.04 feet; thence North 03°33'11" East, a distance of 414.42 feet; thence North 00°58'27" East, a distance of 71.59 feet; thence North 08°20'06" West, a distance of 29.91 feet; thence North 03°26'50" East, a distance of 53.09 feet; thence North 03°29'10" East, a distance of 271.66 feet; thence North 03°27'09" East, a distance of 554.25 feet; thence North 03°26'40" East, a distance of 538.52 feet; thence North 02°33'12" East, a distance of 128.63 feet; thence North 04°25'53" East, a distance of 58.06 feet; thence North 03°33'19" East, a distance of 172.58 feet; thence North 03°29'20" East, a distance of 146.13 feet; thence North 03°23'09" East, a distance of 292.88 feet; thence North 03°41'47" East, a distance of 250.34 feet; thence North 03°00'17" East, a distance of 112.07 feet; thence North 03°18'24" East, a distance of 73.28 feet; thence North 55°51'48" East, a distance of 15.18 feet to a point on the

southerly maintained right of way boundary of said Old St Augustine Road; thence along said southerly maintained right of way boundary run South 83°43'49" East, a distance of 56.95 feet; thence South 80°39'06" East, a distance of 54.68 feet; thence South 77°29'03" East, a distance of 98.39 feet; thence South 77°34'21" East, a distance of 15.69 feet; thence leaving said southerly maintained right of way boundary run South 03°00'57" West, a distance of 2,197.60 feet to a point of curve to the right; thence run southerly along said curve with a radius of 2,700.39 feet through a central angle of 03°50'50" for an arc distance of 181.32 feet (chord of 181.29 feet bears South 04°56'22" West); thence South 06°51'48" West, a distance of 945.08 feet to a point on a non tangent curve concave west; thence run southerly along said curve with a radius of 3,342.64 feet through a central angle of 08°34'15" for an arc distance of 500.02 feet (chord of 499.56 feet bears South 16°40'37" East); thence South 76°00'03" West, a distance of 64.09 feet to a point on the easterly right of way boundary of Biltmore Avenue (a 68 foot right of way) as dedicated in Southwood Unit 25, a subdivision as recorded in Plat Book 16, Pages 86-88 of the Public Records of Leon County, Florida; thence along said easterly right of way boundary run South 13°59'57" East, a distance of 5.22 feet; thence leaving said easterly right of way boundary run South 76°00'03" West, a distance of 68.00 feet to a found 4" x 4" concrete monument, LB#3293, marking the intersection of westerly right of way boundary of said Biltmore Avenue with the northerly right of way boundary of Duxbury Lane (a 50 foot right of way) as dedicated in said Southwood Unit 25; thence along the northerly right of way of said Duxbury Lane continue South 76°00'03" West, a distance of 116.56 feet to a point of curve to the left; thence run southwesterly along said right of way curve with a radius of 702.00 feet through a central angle of 38°10'46" for an arc distance of 467.78 feet (chord of 459.18 feet bears South 56°54'40" West) to a point on the northeasterly right of way boundary of Strolling Way (a 50 foot right of way) as dedicated in said Southwood Unit 25; thence along the northeasterly right of way of said Strolling Way run North 52°10'43" West, a distance of 3.00 feet; thence leaving said northeasterly right of way boundary run South 37°49'17" West, a distance of 50.00 feet to a point on the southwesterly right of way of said Strolling Way; thence along the southwesterly right of way of said Strolling Way run South 52°10'43" East, a distance of 247.79 feet to a point of curve to the left; thence run southeasterly along said right of way curve with a radius of 325.00 feet through a central angle of 25°05'13" for an arc distance of 142.30 feet (chord of 141.17 feet bears South 64°43'19" East) to a point on a curve concave easterly and the westerly right of way boundary of Longfellow Road (a 54 foot right of way) as dedicated in said Southwood Unit 25; thence run southwesterly along the westerly right of way boundary of said Longfellow Road and curve with a radius of 407.00 feet through a central angle of 09°41'30" for an arc distance of 68.84 feet (chord of 68.76 feet bears South 01°27'47" West);

thence South 03°22'58" East, a distance of 133.29 feet to found 4" x 4" concrete monument, LB#3293, and the northerly boundary of Lot 5, Southwood Golf Course, as per map or plat recorded in Plat Book 13, Pages 59-64 of the Public Records of Leon County, Florida; thence along the northerly boundary of said Southwood Golf Course, Lot 5, North 52°10'43" West, a distance of 951.22 feet; thence North 00°28'00" West, a distance of 735.02 feet; thence South 89°39'35" West, a distance of 285.68 feet; thence South 10°32'05" East, a distance of 160.66 feet; thence South 09°27'52" West, a distance of 82.37 feet; thence South 54°28'32" West, a distance of 116.57 feet; thence South 26°10'33" West, a distance of 71.41 feet; thence South 08°21'09" East, a distance of 126.58 feet; thence South 17°03'42" West, a distance of 88.44 feet; thence South 55°49'54" West, a distance of 88.93 feet; thence leaving said northerly boundary run South 15°14'02" East, a distance of 185.57 feet; thence run North 62°42'15" East, a distance of 92.19 feet; thence run South 29°00'09" East, a distance of 134.11 feet; thence run South 57°37'06" East, a distance of 533.88 feet; thence run South 63°45'53" East, a distance of 273.80 feet; thence run South 18°04'11" East, a distance of 414.68 feet; thence run South 36°22'45" West, a distance 268.09 feet; thence run South 48°51'04" West, a distance of 794.98 feet; thence run South 09°45'40" East, a distance of 436.81 feet; thence run South 34°09'29" West, a distance of 645.54 feet; thence run South 70°06'07" West, a distance of 716.14 feet to a point on a curve concave easterly and the easterly boundary of Mossy Creel Lane (a 48-foot right of way) as per Southwood Unit 4, Phase 3, a subdivision as per map or plat recorded in Plat Book 13, Page 1 of the Public Records of Leon County, Florida; thence run northeasterly along said right of way curve with a radius of 926.00 feet through a central angle of 09°55'36" for an arc distance of 160.43 feet (chord of 160.23 feet bears North 06°50'59" East); thence run North 11 degrees 48 minutes 47 seconds East, a distance of 510.64 feet; thence leaving said easterly right of way boundary and along the easterly boundary of said Southwood Unit 4, Phase 3, run South 78°11'13" East, a distance of 129.00 feet to a found 4" x 4" concrete monument, LB#3293; thence run North 16°13'22" East, a distance of 311.92 feet to a found 4" x 4" concrete monument, LB#3293; thence run North 34°08'29" East, a distance of 258.83 feet to a found 4" x 4" concrete monument, LB#3293; thence run North 02°20'35" East, a distance of 698.48 feet to a found 4" x 4" concrete monument, LB#3293; thence run North 13°38'19" East, a distance of 494.96 feet to a found 4" x 4" concrete monument, LB#3293; thence run North 02°29'52" West, a distance of 427.40 feet to a found 4" x 4" concrete monument, LB#3293; thence leaving said easterly boundary run North 62°42'15" East, a distance of 94.40 feet; thence run North 15°14'02" West, a distance of 177.81 feet to a point on the northerly boundary of said Southwood Golf Course Lot 5; thence along said northerly boundary run South 55°49'54" West, a distance of 59.12 feet; thence North 80°18'16" West, a

distance of 84.81 feet; thence North 48°09'59" West, a distance of 71.31 feet; thence North 63°13'39" West, a distance of 105.17 feet; thence North 32°37'47" West, a distance of 147.72 feet; thence North 10°22'35" West, a distance of 87.39 feet; thence North 20°04'27" West, a distance of 91.69 feet; thence North 10°31'34" West, a distance of 113.96 feet; thence North 18°47'15" West, a distance of 82.89 feet; thence North 18°47'15" West, a distance of 84.24 feet; thence North 29°50'20" West, a distance of 99.13 feet; thence North 68°26'44" West, a distance of 82.14 feet; thence North 10°15'22" West, a distance of 63.03 feet; thence North 13°07'12" East, a distance of 163.19 feet; thence North 44°49'43" West, a distance of 130.49 feet; thence North 44°12'28" West, a distance of 164.22 feet; thence North 24°27'15" West, a distance of 105.94 feet; thence North 38°00'44" East, a distance of 93.30 feet; thence run North 62°23'33" East, a distance of 144.16 feet; thence run North 73°30'52" East, a distance of 85.52 feet; thence North 89°17'07" East, a distance of 116.01 feet; thence North 16°27'15" East, a distance of 121.96 feet; thence North 36°16'13" West, a distance of 53.07 feet; thence North 89°03'54" West, a distance of 564.76 feet; thence North 73°32'43" West, a distance of 205.82 feet; thence South 04°56'32" East, a distance of 53.70 feet to a found 5/8" iron rod and cap, LB#3293, marking the Northeast corner of Mossy Creek Lane (a 48 foot right of way) as dedicated in Southwood Unit 9, a subdivision as per map or plat recorded in Plat Book 13, Page 36 of the Public Records of Leon County, Florida; thence along the northerly boundary of said Southwood Unit 9 run North 73°32'43" West, a distance of 51.55 feet to a found 4" x 4" concrete monument, LB#3293 marking the Northwest corner of said Mossy Creek Lane and the Southeast corner of Lot 4 of said Southwood Golf Course; thence along the easterly boundary of said Southwood Golf Course run North 04°56'32" West, a distance of 231.94 feet; thence along the northerly boundary of said Southwood Golf Course Lot 4 run North 78°15'27" West, a distance of 452.86 feet; thence North 11°31'58" East, a distance of 180.44 feet; thence North 68°49'43" West, a distance of 56.81 feet to a point of curve to the left; thence run northwesterly along said curve with a radius of 1175.00 feet through a central angle of 19°52'06" for an arc distance of 407.45 feet (chord of 405.41 feet bears North 78°45'46" West); thence South 01°47'27" West, a distance of 194.49 feet; thence South 81°21'10" West, a distance of 582.89 feet to a found 4" x 4" concrete monument, LB#3293, and the easterly right of way boundary of Four Oaks Boulevard (a 121 foot right of way) as dedicated in Southwood Unit 17, a subdivision as recorded in Plat Book 15, Pages 56-60 of the Public Records of Leon County, Florida; thence run northeasterly along said easterly right of way and a curve concave northwesterly with a radius of 6600.50 feet through a central angle of 00°35'35" for an arc distance of 68.31 feet (chord of 68.31 feet bears North 00°30'40" East) to a found 4" x 4" concrete monument, LB#3293, marking the Northeast

corner of said Four Oaks Boulevard; thence along the northerly boundary of said Southwood Unit 17 run North 89°47'08" West, a distance of 121.00 feet to a found 4" x 4" concrete monument, LB#3293, marking the Northwest corner of said Four Oaks Boulevard; thence continuing along the northerly boundary of said Southwood Unit 17 run South 89°58'05" West, a distance of 201.80 feet; thence South 40°54'27" West, a distance of 162.47 feet; thence South 00°50'38" East, a distance of 22.07 feet to a found 4" x 4" concrete monument, LB#3293, and the northerly boundary of Southwood Unit 18, a subdivision as per map or plat recorded in Plat Book 15, Page 75-77 of the Public Records of Leon County, Florida; thence along the northerly boundary of said Southwood Unit 18 run South 61°49'45" West, a distance of 104.17 feet; thence South 71°56'10" West, a distance of 280.66 feet; thence South 79°39'09" West, a distance of 259.02 feet; thence South 35°20'40" East, a distance of 260.59 feet; thence South 08°47'44" West, a distance of 133.24 feet; thence South 27°43'31" West, a distance of 137.91 feet; thence South 48°28'21" West, a distance of 228.85 feet; thence South 87°15'54" West, a distance of 116.85 feet to a found 4" x 4" concrete monument, LB#3293, and the northerly boundary of Lot 1 of said Southwood Golf Course; thence along the northerly boundary of said Southwood Golf Course Lot 1 run South 59°41'38" East, a distance of 90.06 feet to a found 4" x 4" concrete monument, LB#3293; thence run South 58°28'11" East, a distance of 123.26 feet to a found 4" x 4" concrete monument, LB#3293; thence run South 60°04'19" East, a distance of 398.96 feet to a found 4" x 4" concrete monument, LB#3293; thence run South 59°41'38" East, a distance of 498.10 feet to a point on a curve concave northwesterly and the easterly right of way boundary of said Four Oaks Boulevard; thence run southwesterly along said curve with a radius of 6479.50 feet through a central angle of 00°32'09" for an arc distance of 60.60 feet (chord of 60.60 feet bears South 13°58'45" West) to a point of compound curve to the right; thence run southwesterly along said right of way curve with a radius of 665.50 feet through a central angle of 46°27'54" for an arc distance of 539.70 feet (chord of 525.03 feet bears South 37°28'47" West) to a point on the southerly boundary of said Southwood Golf Course, Lot 1; thence continue along said right of way curve with a radius of 665.50 feet through a central angle of 16°58'13" for an arc distance of 197.11 feet (chord of 196.39 feet bears South 69°11'51" West) to a point on the northerly right of way boundary of Blair Stone Road (a 121-foot roadway) as recorded in said Southwood Unit 17; thence along said northerly right of way boundary run South 77°40'57" West, a distance of 148.82 feet to a point of curve to the right; thence run southwesterly along said right of way curve with a radius of 1339.50 feet through a central angle of 22°05'26" for an arc distance of 516.45 feet (chord of 513.26 feet bears South 88°43'40" West); thence run North 80°13'36" West, a distance of 147.85 feet to a point on the southerly boundary of said Southwood Golf Course, Lot 1; thence

continue along said northerly right of way boundary North 80°13'36" West, a distance of 52.12 feet to a point of curve to the left; thence run southwesterly along said right of way curve with a radius of 1560.50 feet through a central angle of 31°39'55" for an arc distance of 862.43 feet (chord of 851.49 feet bears South 83°56'26" West); thence run South 68°06'29" West, a distance of 216.19 feet to a point on the westerly boundary of said Southwood Golf Course, Lot 1; thence along said northerly right of way boundary continue South 68°06'29" West, a distance of 59.74 feet to a point of curve to the right; thence run southwesterly along said right of way curve with a radius of 1214.80 feet through a central angle of 20°26'09" for an arc distance of 433.28 feet (chord of 430.99 feet bears South 78°19'35" West); thence leaving said northerly right of way boundary along the westerly boundary of Lot 2 of Southwood Unit 24, a subdivision as per map or plat recorded in Plat Book 16, Page 65 of the Public Records of Leon County, Florida run North 03°40'38" West, a distance of 240.85 feet to a point on the southerly boundary of Southwood Unit 20, Phases 1 & 2, a subdivision as per map or plat recorded in Plat Book 16, Page 58 of the Public Records of Leon County, Florida; thence along said southerly boundary run North 89°49'59" East, a distance of 196.46 feet; thence North 78°28'33" East, a distance of 50.00 feet to a point on a curve concave northeasterly and the westerly right of way boundary of Esplanade Way (right of way varies) as dedicated in said Southwood Unit 20, Phases 1 & 2; thence run northeasterly along said right of way curve with a radius of 2002.82 feet through a central angle of 27°42'05" for an arc distance of 968.32 feet (chord of 958.52 feet bears North 02°19'35" East); thence North 16°10'38" East, a distance of 104.52 feet to terminus of said Esplanade Way; thence along the easterly boundary of said Southwood Unit 20, Phases 1 & 2 continue North 16°10'38" East, a distance of 279.07 feet to a point of curve to the left; thence northeasterly along said curve with a radius of 817.50 feet through a central angle of 30°31'34" for an arc distance of 435.55 feet (chord of 430.42 feet bears North 00°54'51" East); thence along the northerly boundary of said Southwood Unit 20, Phases 1 & 2 run South 75°39'04" West, a distance of 50.00 feet; thence North 89°58'19" West, a distance of 572.39 feet to a found 4" x 4" concrete monument, LB#3293; thence continue North 89°58'19" West, a distance of 150.00 feet to the easterly right of way boundary of Capital Circle SE (State Road 261); thence along said easterly right run North 00°01'41" East, a distance of 422.60 feet; thence North 89°58'19" West, a distance of 5.00 feet; thence North 00°01'41" East, a distance of 854.62 feet; thence North 00°53'29" East, a distance of 444.58 feet; thence South 89°06'31" East, a distance of 15.00 feet; thence North 00°53'29" East, a distance of 533.70 feet to a point of curve to the right; thence run northerly along said curve with a radius of 1,844.78 feet through a central angle of 26°00'07" for an arc distance of 837.19 feet (chord of 830.03 feet bears North 13°53'32" East); thence North 63°06'25" West, a distance of 15.00 feet to a point on a non tangent curve concave southeast;

thence run northeasterly along said curve with a radius of 1,859.78 feet through a central angle of 26°57'30" for an arc distance of 875.05 feet (chord of 867.00 feet bears North 40°22'20" East); thence North 53°51'06" East, a distance of 577.38 feet; thence leaving said easterly right of way boundary run South 00°09'17" West along the westerly boundary of the Plat of Alice Hill Property (unrecorded), a distance of 992.07 feet a found 1" iron pipe; thence North 87°42'40" East, a distance of 209.98 feet to a found iron rod and cap, LB#3732, and SJPC guard monument; thence South 00°20'38" West, a distance of 209.74 feet to a found 1" pinched iron pipe and SJPC guard monument; thence along the southerly boundary of said Plat of Alice Hill Property run North 87°47'14" East, a distance of 1,111.11 feet a SJPC concrete monument; thence along the easterly boundary of said Plat of Alice Hill Property run North 00°01'12" East, a distance of 1,356.16 feet to the POINT OF BEGINNING. The above-described parcel contains 34,705,184.45 square feet or 796.72 acres, more or less.

LESS AND EXCEPT

A 1.0-acre parcel recorded in Official Records Book 923, Page 1378 of the Public Records of Leon County, Florida and being more particularly described as follows:

COMMENCE at the Southeast corner of Section 10, Township 1 South, Range 1 East, Leon County, Florida thence North 89°19'08" West, a distance of 143.31 feet to a point on the westerly maintained right of way boundary of Southwood Plantation Road; thence along said westerly maintained right of way boundary run North 03°05'10" West, a distance of 15.02 feet; thence North 00°44'23" West, a distance of 25.46 to the POINT OF BEGINNING. From said POINT OF BEGINNING thence South 89°53'09" West, a distance of 433.49 feet to a found SJPC concrete monument; thence North 02°53'38" East, a distance of 99.81 feet to a found SJPC concrete monument; thence North 89°53'09" East, a distance of 433.91 feet to a found SJPC concrete monument and the maintained westerly boundary of said Southwood Plantation Road; thence along said maintained westerly right of way boundary run South 03°27'00" West, a distance of 76.43 feet; thence South 02°05'35" West, a distance of 23.41 feet to the POINT OF BEGINNING. The above-described property contains 0.99 acres more or less.

AND ALSO LESS AND EXCEPT

A 2.57-acre parcel recorded in Official Records Book 1446, Page 1291 of the Public Records of Leon County, Florida and being more particularly described as follows:

BEGIN at a found 6" round terra-cotta monument marking the Southwest corner of the Southeast quarter of Section 10, Township 1 South, Range 1 East, Leon County, Florida and thence run North 00°20'25" West, a distance of 200.00 feet;

thence run South 89°39'35" East, a distance of 500.00 feet; thence South 00°20'25" East, a distance of 185.00 feet; thence North 89°39'35" East, a distance of 630.68 feet to a point on the maintained westerly right of way boundary of Southwood Plantation Road; thence along said maintained westerly right of way boundary run South 03°05'10" East, a distance of 15.02 feet; thence South 89°39'35" West, a distance of 1131.40 feet to the POINT OF BEGINNING. The above-described parcel contains 2.51 acres more or less.

The above described parcels contain an aggregate of 1,034.98 acres more or less.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New \_\_\_\_\_.

42III-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Clay Smallwood, Chris Gent, Shaw Flippen, Sean Fennelly, and Pat Groeniger.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa Saliba, Florida Land and Water Adjudicatory Commission  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Saliba, Florida Land and water Adjudicatory Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

**DEPARTMENT OF ELDER AFFAIRS**

**Long-Term Care Ombudsman Program**

RULE NOS.:	RULE TITLES:
58L-1.001	Confidentiality and Disclosure
58L-1.005	Access
58L-1.006	Conflict of Interest
58L-1.007	Complaint Procedures

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to add additional language; incorporate conflict of interest language into this rule chapter, which is currently included in Rule Chapter 58L-2, F.A.C.; and add a new rule for complaint procedures, including two forms incorporated by reference.

SUMMARY: The proposed rule amendments and new rule address confidentiality and disclosure of information; access to information; conflict of interest; and complaint procedures, including two forms incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 400.0065(3), 400.0067(4), 400.0069(10), 400.0071, 400.0077(5), 400.0081(3), 400.0087 FS.

LAW IMPLEMENTED: 400.0077, 400.0081, 400.0065(1)(a), (3), 400.0067, 400.0069(4), (10), 400.0071, 400.0087, 400.0091 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: November 5, 2007, 9:30 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Abbie Messer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000, SunCom 994-2000; Email address: messera@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 58L-1.001 Confidentiality and Disclosure.

(1) Pursuant to Section 400.0077(5), F.S., the Department of Elder Affairs, in consultation with the Office of the State Long-Term Care Ombudsman ~~and the State Long-Term Care Ombudsman Council~~, hereby adopt and incorporate by reference herein Sections 400.0077(1)-(4), F.S., Confidentiality, and Section 712(d) of Section 201 of the Older Americans Act of 1965, 42 USC 3058g, Disclosure, as policy and procedure for the confidentiality of and the disclosure by any ombudsman and all ombudsman councils of files maintained by the Office of the State Long-Term Care Ombudsman, the State Long-Term Care Ombudsman Council, their representatives and their employees, and their district or area councils, representatives and employees as established in Chapter 400, Part I, F.S.

(2) Case records will not be released by the Long-Term Care Ombudsman Program until the case is closed as defined in subsection 58L-1.007(1), F.A.C.

Specific Authority 400.0077(5) FS. Law Implemented 400.0077 FS. History–New 7-25-95, Amended \_\_\_\_\_.

#### 58L-1.005 Access.

(1) Pursuant to Section 400.0081~~(2)(3)~~, F.S., the Department of Elder Affairs, in consultation with the Office of the State Long-Term Care Ombudsman and the State Long-Term Care Ombudsman Council, hereby adopts and incorporates by reference herein Section ss. 400.0081(1) and (2), F.S., Access to facilities, residents and records, and Section 712(b) of Section 201 of the Older Americans Act of 1965, 42 USC 3058g, Procedures for Access, as policy and procedure to ensure access by the Office of the State Long-Term Care Ombudsman, the State Long-Term Care Ombudsman Council, the district or area long-term care councils, and their representatives as established in Chapter 400, Part I, F.S., to long-term care facilities, facility records, facility licensure and certification records maintained by the state, residents, and resident records.

(2) The following terms within the above-incorporated statutory references are defined as follows:

(a) “Access” means the ability pursuant to Section 400.0073, F.S., to investigate. The denial of access constitutes an interference in the performance of official duties and is a violation of Section 400.0083, F.S.

(b) “Administrative records, policies, and documents to which the residents, or the general public, have access” means records maintained by the facility which concern, involve, or pertain to the ~~residents’~~ diet, comfort, health, distribution of medications, safety, or welfare of residents.

(c) “Social records” means non-medical resident records and includes resident financial records.

Specific Authority 400.0081(3) FS. Law Implemented 400.0081 FS. History–New 7-31-95, Formerly 58L-3.001, Amended \_\_\_\_\_.

#### 58L-1.006 Conflict of Interest.

(1) Definitions. All terms used in this rule and not defined herein are derived from and defined in Chapter 400, Part I, Florida Statutes, Long-Term Care Facilities: Ombudsman Program.

(a) “Conflict of Interest” means:

1. Having a direct involvement in the licensing or certification of a long-term care facility or of a provider of a long-term care service;

2. Having an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or a long-term care service;

3. Employed by, or participating in the management of, a long-term care facility in the state of Florida; or

4. Receiving, or having the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility.

(b) “Department” means the Department of Elder Affairs.

(c) “District” means a geographic area in which the programs of the department are administered and services are delivered.

(d) “Immediate family” means father, mother, husband, wife, son, daughter, brother, sister, or an individual residing in the household.

(e) “Indirectly” means receiving remuneration from a company providing a service to a long-term care facility, such as a consulting pharmacist.

(f) “Long-term care facility” means a nursing home facility, assisted living facility, or an adult family care home as those terms are defined in Chapter 400 and Chapter 429, Florida Statutes.

(g) “Long-term care services” means services provided by a long-term care facility, home health agency, adult day care center, hospice, intermediate care facility, home for special services, or transitional living facility as those terms are defined in Chapters 400 and Chapter 429, Florida Statutes. Long term care services also includes services provided to residents of long term care facilities by geriatric care managers, guardians or representative payees who are not immediate family members.

(h) “Program” refers to the Office of the State Long-Term Care Ombudsman, its representatives and employees, the State Long-Term Care Ombudsman Council, and the district or local Long-Term Care Ombudsman councils as established in Chapter 400, Part I, Florida Statutes.

(2) Purpose.

The purpose of this chapter is to ensure that every effort is made to minimize any perception of conflicts of interest affecting the ombudsman program. It is promulgated to further the ability of ombudsmen to independently and fully carry out their functions, including the public perception of the program’s independence. The Department shall vigorously monitor the program in this regard to ensure that the program and its representatives have the objectivity and independence required to qualify it for federal funding under the Older Americans Act of 1965, as amended, and to comply with and implement all state laws, rules and regulations relating to the program.

(3) Prohibitions.

(a) No officer, employee or representative of the Office of State Long-Term Care Ombudsman or of the State or District Long-Term Care Ombudsman Councils, nor any member of the immediate family of such officer, employee, or representative, may have a conflict of interest.

(b) No employee of the Agency for Health Care Administration, the Department of Business and Professional Regulation, the Department of Children and Family Services, the Department of Health, the Department of Elder Affairs, or medical director of a long-term care facility shall be a member of a District or State Long-Term Care Ombudsman Council.

(4) Procedures.

(a) Upon approval, recertification, employment or affiliation with the program, each appointee, officer, employee or representative shall sign a conflict of interest certification form that

1. Acknowledges receipt and understanding of these rules, and

2. States that such individual has no conflict of interest as defined by these rules. The Office of the State Long-Term Care Ombudsman will keep the statements on file at its headquarters.

(b) Deliberate failure to disclose any conflict of interest, whether upon affiliation with the program or which subsequently develops, or the violation of any prohibition set forth in this chapter shall be considered sufficient grounds for:

1. A recommendation to the State Long-Term Care Ombudsman that the representative be immediately disqualified pursuant to Section 400.0091, Florida Statutes, to carry out ombudsman activities on behalf of the office of the State Long Term Care Ombudsman;

2. Termination for cause of any such employee.

(c) The State Long-Term Care Ombudsman shall receive and review all violations and allegations of conflict of interest and if appropriate shall,

1. Request that the person resign from the council; or

2. Request that the person remove the conflict.

(d) If the person does not resign from the council or remove the conflict, the State Long-Term Care Ombudsman shall disqualify the employee, or representative of the Office of the State Long Term Care Ombudsman from carrying out any authorized ombudsman duty or responsibility.

Specific Authority 400.0065(3), 400.0067(4), 400.0069(10), 400.0087(1) FS. Law Implemented 400.0065(3), 400.0067(4), 400.0069(10), 400.0087(1), 400.0091 FS. History–New \_\_\_\_\_.

58L-1.007 Complaint Procedures.

(1) Definitions.

(a) “Case” means an inquiry or allegation brought to, or initiated by, the Long-Term Care Ombudsman Program on behalf of a long-term care facility resident or group of residents involving one or more complaints or problems which requires opening a case and which includes ombudsman investigation, fact gathering, development and implementation of a resolution strategy.

(b) “Closed Case” means a case where the complaints within the case do not require further action on the part of the ombudsman, every complaint has been assigned the appropriate disposition code, and the case has been reviewed by the local council.

(c) "Complaint" means an allegation, made by a long-term care facility resident or someone on behalf of a resident, of a problem with resident care or a problem affecting the rights, health, safety, and/or welfare of the residents of a long-term care facility. One or more complaints constitute a case.

(d) "Resolved" means the complaint or problem was addressed to the satisfaction of the resident or the resident's legal representative.

(e) "Visit" means going to a facility to listen to, observe, and interact with residents.

(2) Receiving complaints against a long-term care facility or an employee of a long-term care facility.

(a) A complaint may be made by any person and may be received by the Office of State Long-Term Care Ombudsman or its representatives through written or oral communication. A complaint generated by a representative of the Office of State Long-Term Care Ombudsman shall be considered a complaint. A complaint may be anonymous.

(b) All complaints made to the program will be directed to the district ombudsman manager for the district in which the facility involved in the complaint is located. Receipt of the complaint by the district ombudsman manager triggers the opening of a case.

(c) The district ombudsman manager will code complaints based on federal standards of the National Ombudsman Reporting System by the Administration on Aging, U.S. Department of Health and Human Services.

(d) After entering the complaint information into the database, the district ombudsman manager will print the DOEA Form LTCOP-001, September, 2007, Case Investigation Form, which is incorporated herein by reference, and deliver it to the ombudsman who will be investigating the case.

(3) Conducting investigations of a long-term care facility or an employee of a long-term care facility subsequent to receiving a complaint.

(a) An investigation is initiated when an ombudsman makes contact with the complainant or resident, which shall happen within five (5) business days after receipt of the complaint by the district ombudsman manager.

(b) At the beginning of the investigation, the ombudsman investigating the case must visit the resident or residents on whose behalf the case was filed.

(c) The case investigation shall focus on the rights, health, safety and welfare of the resident and may include direct observation, interviews with residents and other individuals, and review of records.

(d) Investigations shall be closed within 90 calendar days of receipt. The local council may grant a request for extension if 90 days is not sufficient time to close the case.

(e) At the conclusion of a case investigation, the ombudsman investigating the case will:

1. Complete DOEA Form LTCOP-0001 using disposition codes developed for the National Ombudsman Reporting System by the Administration on Aging, U.S. Department of Health and Human Services.

2. Contact the resident or the resident's legal representative if possible, to inform them of the disposition.

3. Have an exit interview with the administrator or their designee to present the ombudsman's findings.

(f) After the investigation is complete, the investigation process and the case information will be reviewed by the Quality Assurance Review Team of the local council.

(g) Within twenty (20) business days of the closing of the case investigation, the district ombudsman manager will send a written summary of the case disposition to the resident or the resident's legal representative.

(h) If issues remain unresolved at the conclusion of the investigation, the ombudsman, the local council and the state council will proceed with actions pursuant to Section 400.0075, Florida Statutes in consultation with the State Ombudsman.

(4) Conducting onsite administrative assessments of long-term care facilities.

(a) All long-term care facilities shall receive at least one onsite administrative assessment during each federal reporting year, beginning October 1 and ending September 30 of the following year.

(b) Consistent with minimum requirements by the U.S. Administration on Aging as detailed in the National Ombudsman Reporting System program instructions, each long-term care facility shall receive three visits during the federal reporting year in addition to the administrative assessment.

(c) By October 1 of each year, the district ombudsman manager will assign all facilities within the district to individual members of the local council for assessment.

(d) The ombudsman conducting an assessment shall review available facility surveys conducted by Agency for Health Care Administration prior to the onsite administrative assessment.

(e) Administrative assessments shall include interviews with residents and shall focus on issues from the residents' perspective, including but not limited to: posting of required brochures and licenses, physical plant, residents' physical space, residents' rights, staffing levels, medical care and services, food service, activities, and disaster preparedness.

(f) At the conclusion of the assessment, the ombudsman will have a brief exit interview with the facility administrator or his/her designee to discuss assessment findings.

(g) Problems identified during the administrative assessment shall be provided to the facility administrator in writing and may be coded as complaints by the district ombudsman manager and assigned to an ombudsman for investigation and resolution.

(h) The results of an administrative assessment shall be recorded on the DOEA Form LTCOP-0002, September, 2007, Annual Assessment Form, which is incorporated herein by reference.

(i) The district ombudsman manager will keep the original completed Annual Assessment Forms in the district office and forward copies to Agency for Health Care Administration within 30 business days after receipt.

(j) If there are issues discovered during an assessment that remain unresolved, the ombudsman, the local council and the state council will proceed with actions pursuant to Section 400.0075, Florida Statutes in consultation with the State Ombudsman.

Specific Authority 400.0071 FS. Law Implemented 400.0081 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Abbie Messer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000, SunCom 994-2000; Email address: messera@elderaffairs.org

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NOS.:	RULE TITLES:
59G-14.001	Definitions
59G-14.002	Confidentiality
59G-14.003	Federal Compliance
59G-14.004	Florida KidCare Dispute Review Process
59G-14.005	Florida KidCare Grievance Committee
59G-14.006	Florida KidCare Grievance Procedures
59G-14.007	Health Care Services Complaints and Disputes

PURPOSE AND EFFECT: Section 409.818(3)(e), F.S. directs the Agency for Health Care Administration (AHCA) to establish a mechanism for investigating and resolving complaints and grievances for the Florida KidCare Program. The purpose of the proposed rule is to establish the AHCA's Florida KidCare grievance process in rule.

In the Notice of Rule Development, the title of the rule Chapter 59G-14, F.A.C., was Florida KidCare; and we published preliminary text for two rules: 59G-14.001, Definitions, and 59G-14.002, Florida KidCare Grievance Process. We renamed

the rule chapter 59G-14, Florida KidCare Grievance Process, and divided the Florida KidCare Grievance Process into six separate rules: 59G-14.002 through 59G-14.007.

SUMMARY: The purpose of the proposed rule is to establish the AHCA's Florida KidCare grievance process in rule. The effect will be to incorporate AHCA's Florida KidCare grievance process in rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.918 FS.

LAW IMPLEMENTED: 409.918 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Monday, November 5, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Angela Wiggins, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7313, wigginsa@ahca.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULES IS:

CHAPTER 59G-14 FLORIDA KIDCARE GRIEVANCE PROCESS

59G-14.001 Definitions.

The following definitions are applicable to the Title XXI, Florida KidCare Programs (Children's Medical Services Network, Florida Healthy Kids and MediKids) and to all sections of Florida KidCare Grievance Procedures, Chapter 59G-14, F.A.C. These definitions do not apply to any complaint or grievance issues relating to Medicaid for Children eligibility, enrollment or renewal activities. For Medicaid eligibility and enrollment complaint or grievance issues, families must request a Medicaid Fair Hearing by contacting the Department of Children and Family Services (DCF) as referenced in Rule 65-2.042, et. seq., F.A.C.

(1) "Applicant" refers to a parent or guardian of a child or a child whose disability of nonage has been removed under chapter 743, who applies for eligibility under subsections 409.810-409.820, F.S. (Florida KidCare Act).

(2) "Complaint" or "dispute" is a verbal or written expression of dissatisfaction, regarding an eligibility or enrollment decision.



(3) “Complainant” or “grievant” is a parent, legal guardian, or an authorized representative of the parent or legal guardian who submits a complaint or grievance on behalf of a child enrolled in Florida KidCare. If a parent or legal guardian appoints a representative to discuss the complaint or grievance on their behalf, they must complete and sign an Appointment of Representation Form, AHCA Med-Serv Form 017, August 2007, one page, and the Authorization for the Use and Disclosure of Protected Health Information Form, AHCA Med-Serv Form 018, August 2007, two pages, which are incorporated by reference. These forms name the representative and give the representative access to medical records in compliance with the Health Insurance Portability and Accountability Act (HIPAA).

(4) “Dispute Resolution Hearing” is the complainant’s opportunity to be heard by the Florida KidCare Dispute Review Panel during the third level of the Florida KidCare Formal Dispute Review Process. If requested, a professionally transcribed hearing is scheduled between the complainant and the Florida KidCare Dispute Review Panel in the complainant’s county of residence.

(5) “Florida KidCare Partners” include the Agency for Health Care Administration (MediKids), the Department of Children and Family Services (Medicaid for Children), the Department of Health (Children’s Medical Services Network), and the Florida Healthy Kids Corporation (Healthy Kids). Families with children receiving coverage under the Medicaid for Children Program must request a Medicaid Fair Hearing by contacting the Department of Children and Family Services (DCF) as referenced in Rule 65-2.042 to 65-2.066, F.A.C.

(6) “Florida KidCare Formal Dispute Review Process” is a comprehensive review of an eligibility or enrollment complaint. The formal dispute review process begins when a written request to resolve a dispute is received by the Florida Healthy Kids Corporation’s Resolution Coordinator. The entire dispute review process is conducted by the Florida Healthy Kids Corporation, the eligibility processor for the Florida KidCare, Title XXI Programs.

(7) “Florida KidCare Informal Dispute Review Process” is the initial contact in writing or telephone to the Florida Healthy Kids Corporation, expressing dissatisfaction with a disputable application or enrollment action.

(8) “Florida KidCare Grievance Committee” or “committee” is the entity responsible for hearing and resolving grievances related to the Florida KidCare Program when all avenues of resolutions through the Florida KidCare Dispute Review Process have been exhausted. For Medicaid eligibility and enrollment grievance issues, families must request a Medicaid Fair Hearing by contacting the Department of Children and Family Services (DCF) as referenced in Rules 65-2.042 to 65-2.066, F.A.C.

(9) “Grievance” means a formal written complaint initiated to challenge an eligibility or enrollment decision only after all other forms of resolution have been exhausted through the Florida KidCare Formal Dispute Review Process.

(10) “Health Services” means the medical benefits provided by an individual’s health care coverage (e.g., hospital services, physician services, prescription drugs and laboratory services).

(11) “Resolution Coordinator” is the person responsible for supervising the dispute review process and preparing a written response to the complainant explaining the Florida Healthy Kids Corporation or Florida KidCare Dispute Review Process decision regarding eligibility or enrollment.

(12) “Third Party Administrator” is the entity contracted by Florida Healthy Kids Corporation that is responsible for administrative services for the Florida KidCare Program, Title XXI Programs. These administrative services include: eligibility determination, referrals, enrollment, denials, premium processing, customer service, ongoing account maintenance and income and insurance verification.

Specific Authority 409.818 FS, Law Implemented 409.818 FS, History–New \_\_\_\_\_.

#### 59G-14.002 Confidentiality.

The Florida Healthy Kids Corporation Dispute Review Process and the Florida KidCare Grievance Review Process shall conform to Section 409.821, F.S., Health Insurance Portability and Accountability Act of 1996, and Title 42, Part 431, Subpart F of the Code of Federal Regulations with respect to confidentiality of information.

Specific Authority 409.818 FS, Law Implemented 409.818 FS, History–New \_\_\_\_\_.

#### 59G-14.003 Federal Compliance.

The Florida KidCare Program shall have a process for Program specific review that meets the requirements of 42 CFR ss. 457.1130-457.1180 with respect to Applicant and Enrollee Protections.

Specific Authority 409.818 FS, Law Implemented 409.818 FS, History–New \_\_\_\_\_.

#### 59G-14.004 Florida KidCare Dispute Review Process.

(1) The Florida KidCare Dispute Review Process is the means by which the Florida KidCare Program provides a comprehensive review of complaints relating to eligibility, enrollment and health services. The Florida KidCare Dispute Review Process includes an informal and formal dispute review process.

(2) Disputes involve at least one of two topics:

(a) Denial of eligibility; which includes failure to make a timely determination of eligibility and suspension or termination of enrollment, including disenrollment for failure to pay cost sharing.

(b) Health service matters consisting of a delay, denial, reduction, suspension, or termination of health services and failure to approve, furnish, or provide payment for health services in a timely manner.

(3) The Third Party Administrator for the Florida Healthy Kids Corporation determines eligibility for the non-Medicaid components of the Florida KidCare Program. The Florida Healthy Kids Corporation is responsible for reviewing eligibility and enrollment disputes. The Florida Healthy Kids Corporation Resolution Staff is responsible for conducting the Florida KidCare Dispute Review Process.

(4) The Florida KidCare Dispute Review Process is comprised of four review levels addressing the denial of eligibility, failure to make a timely determination of eligibility and suspension or termination of enrollment, including disenrollment for failure to pay the family premium. The Florida Healthy Kids Corporation shall provide information regarding the dispute review process in correspondence to families, making them aware of the existence and availability of the Florida KidCare Dispute Review Process.

(a) "Level One" initiates the informal dispute review for the Florida KidCare Dispute Review Process. The informal dispute review begins when a complainant calls a Florida KidCare customer service representative to discuss his or her dissatisfaction about an eligibility or enrollment decision. The initial contact can also be communicated in writing. The Florida KidCare customer service representative will attempt to clarify or resolve the dispute through the telephone conversation. If the complaint is resolved to the satisfaction of the complainant, no further action will be taken.

(b) If the Florida KidCare customer service representative determines that a dispute cannot be resolved through a telephone conversation, the Florida KidCare customer service representative shall request the complainant forward documentation concerning the dispute to the Florida Healthy Kids Corporation office. All Florida Healthy Kids Corporation customer service representatives and the Florida Healthy Kids Corporation's Third Party Administrator representatives shall offer the complainant a dispute review form to assist them in filing a request for a dispute review. A dispute review form is not mandatory. The complainant can request to dictate to a Florida Healthy Kids Corporation resolution representative any information that is necessary to begin or supplement a formal dispute. During the dictation process, the complainant shall provide the following information to the Florida Healthy Kids Corporation resolution representative: complainant's name, address, family account number, home and work telephone numbers; names of the children involved in the dispute, an explanation of the dispute and the names of other agencies sent a formal dispute about this matter.

(c) A written or e-mail request to begin the formal dispute review process shall be sent by the complainant to the Resolution Coordinator. A request to begin the formal dispute

process must be initiated by a parent, guardian, or another individual listed on the Florida KidCare account as the person authorized to discuss all details of the account.

(d) The Resolution Coordinator shall send written acknowledgement to the complainant within three (3) calendar days after the Florida Healthy Kids Corporation receives a written request to initiate the Florida KidCare Formal Dispute Review Process. The written notification will explain all remaining levels of the Florida KidCare Dispute Review process to the complainant.

(e) If the complainant requests continuation of enrollment pending the completion of the review, the Florida Healthy Kids Corporation Dispute Resolution staff shall take the following steps:

1. Determine whether the complainant requested the continuation of enrollment within ten (10) calendar days of the date of the letter indicating the suspension or termination of his or her child(ren)'s enrollment.

2. If the request was not made within ten (10) calendar days of the date of the letter the complainant received informing him or her of suspension or termination of his or her children's enrollment, the Florida Healthy Kids Corporation Dispute Resolution staff shall inform the complainant in writing of the denial of continuation of enrollment.

3. If the request was made within ten (10) calendar days of the date of the letter the complainant received informing him or her of suspension or termination of his or her child(ren)'s enrollment, the Florida Healthy Kids Corporation Dispute Resolution staff shall take the following action to ensure continuation of enrollment, if the child(ren) meets all other Florida KidCare Program qualifications:

a. Instruct the Third Party Administrator to stop the cancellation of the account or, if the account has already been cancelled, re-open the account back to the first day of the month in which the request for continuation was received.

b. If the dispute concerns an increase in the premium rate, the Third Party Administrator staff shall maintain the premium rate in effect prior to the notification of an increase.

(f) If the complainant's children receive continuation of enrollment pending the completion of the dispute review process, the complainant must be aware of the following conditions:

1. All premium payments must be paid in a timely manner in order to maintain the coverage during the continuation period.

2. If the formal dispute review is resolved in favor of Florida KidCare and not the complainant, the complainant will be legally responsible for paying back all premiums and the costs of services rendered during the continuation period.

(g) Disputes which involve more than one Florida KidCare Program entity shall be immediately referred to the Florida KidCare Grievance Committee. The Resolution Coordinator shall send written notification to the complainant within three

(3) calendar days and copy the relevant Florida KidCare Programs regarding a referral to the Florida KidCare Grievance Committee.

(h) The Resolution Coordinator shall review the complaint and make a determination regarding the complaint. The Resolution Coordinator shall send written notification to the complainant regarding the Level One Dispute Review decision.

(i) Level Two – Formal Dispute Review Process – The complainant can initiate the Level Two Formal Dispute Review Process verbally or in writing. The Resolution Coordinator shall send written notification to the complainant that the complaint has been forwarded to the Florida Healthy Kids Executive Director or a designee for review. The Resolution Coordinator shall also forward all pertinent review documents to the Florida Healthy Kids Executive Director or the designee, who shall render a decision regarding the request. The Florida Healthy Kids Executive Director or designee shall notify the complainant of the decision in writing within twenty (20) calendar days of the referral to the Level Two Formal Dispute Process.

(j) Level Three – Florida Healthy Kids Review Panel – If the complainant is dissatisfied with the decision determined at Level Two of the Florida KidCare Formal Dispute Review Process, the complainant can send a written request to the Florida KidCare Dispute Review Panel to further review the dispute.

(k) The Florida KidCare Dispute Review Panel shall schedule a dispute resolution hearing between the dispute review committee members and the complainant within thirty (30) calendar days from the date of the request. Florida Healthy Kids Corporation shall schedule a hearing in the complainant's county of residence. The hearing shall be professionally transcribed. The Florida Healthy Kids Corporation shall be responsible for providing the transcriber. The complainant can waive the right to appear at the hearing. If the complainant waives the right to appear in-person at the hearing, the hearing shall be conducted at the Florida Healthy Kids Corporation Offices in Tallahassee, Florida. Members of the Dispute Review Panel may participate in either hearing via a telephone conference call.

(l) The Florida Healthy Kids Corporation Executive Director or designee shall consider all complainant requests for assistance and respond to each on a case-by-case basis (e.g., reimbursement for parking, requests for a translator, etc.).

(m) The Florida Healthy Kids Corporation Dispute Review Panel shall consist of three (3) voting members appointed by the Florida Healthy Kids Corporation's Executive Director. The voting members shall consist of two (2) Florida Healthy Kids Corporation Board members chosen based on accessibility or availability for the dispute resolution hearing and one of these members shall serve as the Chair. A Consumer Representative shall be appointed from an entity

that assists families with health care or eligibility issues. The Florida Healthy Kids Corporation Corporate Counsel or, if the Corporate Counsel is not available, the Florida Healthy Kids Corporation General Counsel shall serve as an advisor to the Dispute Review Panel.

(n) The following applies to the Dispute Resolution hearing:

1. The complainant shall be given an adequate opportunity to examine the contents of the Dispute Review file and all other relevant documents and records prior to the hearing. The complainant can request and receive a complete copy of the materials provided to the Dispute Review Panel members prior to the hearing at no charge.

2. The complainant can represent themselves at the hearing or be assisted by a representative.

3. Complainants shall provide the names of any additional attendees (and their affiliations) they would like to have present at the hearing to the Resolution Coordinator in advance to be added to the hearing agenda.

(o) The Dispute Review Panel shall make a decision to approve or deny the complainant's dispute. The Resolution Coordinator shall notify the complainant of the Dispute Review Panel's decision in writing within ten (10) calendar days of the hearing.

(p) "Level Four" – Appeal to the Florida Healthy Kids Corporation Board – If the complainant is not satisfied with the Florida Healthy Kids Corporation Dispute Review Panel's decision, the complainant can request a review of the decision by the Florida Healthy Kids Corporation Board of Directors at its next regularly scheduled meeting. The complainant must submit a written statement and supporting documentation with the record of the Dispute Review hearing. No verbal testimony will be considered. The Board of Directors shall take one of three actions:

1. Accept the Dispute Review Panel's decision. This acceptance will be considered final for this segment of the review process;

2. Modify the Dispute Review Panel's decision. All modifications will be considered final for this segment of the review process; or

3. Send the dispute back to the Dispute Review Panel for further review as specifically directed by the Board of Directors.

(q) The Resolution Coordinator will prepare a final report comprising all information concerning the dispute review process to the Florida Healthy Kids Corporation Executive Director and Board of Directors. The Resolution Coordinator shall notify the complainant of the Florida Healthy Kids Corporation Board of Director's decision in writing within ten (10) calendar days of the Florida Healthy Kids Corporation Board meeting. The written notification from the Florida

Healthy Kids Corporation Board regarding the Board's decision shall also notify the complainant of the Florida KidCare Grievance Process.

(r) If a complainant is dissatisfied with the decision made at Level Four of the Florida KidCare Program Dispute Review and if the Florida KidCare Program Dispute Review Process has been completed, a grievance can be filed with the Florida KidCare Grievance Committee.

Specific Authority 409.818 FS. Law Implemented 409.818 FS. History--New \_\_\_\_\_.

#### 59G-14.005 Florida KidCare Grievance Committee.

(1) The Florida KidCare Grievance Committee shall review and resolve grievances related to the Florida KidCare Program when all four levels of resolution through the Florida KidCare Dispute Review Process have been completed. Grievances heard by the Florida KidCare Grievance Committee shall include eligibility and enrollment matters relating to Florida Healthy Kids, MediKids or the Children's Medical Services Network. Grievances involving more than one Florida KidCare Program will also be addressed by this committee. Disputes involving more than one Florida KidCare partner shall be immediately referred to the KidCare Grievance Committee. The following provisions apply to the Florida KidCare Grievance Committee:

(a) The Florida KidCare Grievance Committee consists of one representative from each of the following Florida KidCare partners, appointed by their respective agency. The fifth representative shall be the Project Director (or designee) of the Florida Covering Kids and Family Coalition.

1. Agency for Health Care Administration – (MediKids)
2. Department of Children and Family Services – (Medicaid for Children).
3. Department of Health – (Children's Medical Services Network).
4. Florida Healthy Kids Corporation – (Healthy Kids).
5. A representative of the Florida Covering Kids and Family Coalition.

(b) The Agency for Health Care Administration's representative shall serve as the committee chair. The committee members shall select a co-chair, who will serve as the chair in the absence of the Agency's representative.

(c) Staff from the Agency for Health Care Administration will serve as the administrative staff for the Florida KidCare Grievance Committee. The duties and responsibilities of the administrative staff include: evaluating the Florida KidCare Dispute Review procedures to determine if the complaint was properly resolved for each grievance presented for the committee's review; preparation of grievance committee correspondence and documents; preparation and distribution of grievance committee minutes; and provision of all necessary information, including the grievance committee's final decision to all contributing parties.

(d) The committee shall meet the second Monday of each month. The committee shall not meet if there are no pending grievances. Additional meetings to resolve a grievance will be scheduled, as needed. If further documentation is necessary for the committee to reach a decision, the complainant will be notified in writing. When a grievance decision is rendered by the committee, the complainant will be notified in writing within ten (10) calendar days.

(e) All committee members are required to be present or participate by telephone conference call on grievance decisions. Grievance review documents will be provided to committee members prior to committee meetings. If a committee member is not available to attend the committee meeting, a designated representative authorized to vote on behalf of the respective agency may participate as a substitute member. Anyone requiring special accommodations to participate in the committee meetings is asked to advise the Florida KidCare Grievance Committee administrative staff one week in advance of the day of the scheduled committee meeting.

(f) Unless otherwise specified, committee meetings will be held in Tallahassee at the Agency for Health Care Administration's headquarters offices. It is not mandatory for the grievant to be a participant at the grievance meeting(s). The grievant or authorized representative may attend the grievance committee meeting(s) at their own expense. If it is inconvenient for the grievant or representative to travel to the grievance committee meeting, the Agency for Health Care Administration staff will arrange for the grievant to participate by telephone conference call from the area Medicaid office closest to the grievant's place of residence.

Specific Authority 409.818 FS. Law Implemented 409.818 FS. History--New \_\_\_\_\_.

#### 59G-14.006 Florida KidCare Grievance Procedures.

(1) If the grievant is dissatisfied with the action taken by the Florida Healthy Kids Board of Directors, the grievant can submit a written request for the Florida KidCare Grievance Committee to review the grievance. The grievant's written request must be submitted to the Agency for Health Care Administration within ten (10) calendar days of the date appearing on the Florida KidCare Dispute Review Level Four final decision notice. In the event a grievant is unable to submit a request in writing, assistance will be provided by the Agency for Health Care Administration staff. If the request is not received within ten (10) calendar days, the Florida KidCare Grievance Committee reserves the right to decline the request. All grievances must be sent to: Florida KidCare Grievance Committee, Bureau of Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, FL 32308.

(2) When the written grievance request is received, the Agency for Health Care Administration staff will send a letter of acknowledgement to the grievant explaining the procedures

of the grievance process within five (5) calendar days of receipt of the request for a grievance. The acknowledgement letter will include: the Florida KidCare Formal Grievance Form, AHCA Med-Serv Form 009, August 2007, one page; an Appointment of Representation Form, AHCA Med-Serv Form 017, August 2007; and the Authorization for the Use and Disclosure of Protected Health Information Form, AHCA Med-Serv Form 018, August 2007 which are incorporated by reference. In the event a grievance is submitted by someone other than the custodial parent or legal guardian, the Agency for Health Care Administration staff shall require the custodial parent or legal guardian to complete the forms referenced in this paragraph.

(3) The Agency for Health Care Administration staff will review the grievance and determine if the Florida Healthy Kids Corporation used appropriate measures as outlined in this rule when conducting the Dispute Review Process. When necessary, the relevant Florida KidCare partner of coverage will be contacted and asked to provide information associated with the case. If the initial eligibility or enrollment decision is correct and the Florida Healthy Kids Corporation followed the dispute review process outlined in this rule, the complainant will be notified in writing that the decision determined during the Florida KidCare Dispute Review Process shall remain unchanged.

(4) If it is determined that further remedy is warranted, the committee shall be required to hear the grievance. The committee shall discuss the grievance at its next regularly scheduled monthly meeting.

(5) The committee members will review all pertinent information prior to the scheduled meeting. During the scheduled meeting the committee members will discuss and assess the grievance and any supplemental information provided. The following considerations apply to the Florida Grievance Review Process:

(a) The grievant shall be given an adequate opportunity to examine the contents of the Florida KidCare Dispute Review file and all other relevant documents and records prior to the Florida KidCare Grievance Committee meeting. The grievant can request and receive a complete copy of the materials provided to the Florida KidCare Grievance Committee prior to the meeting at no charge.

(b) The grievant can represent themselves at the grievance meeting or be assisted by an authorized representative.

(c) The grievant shall be asked to provide the names and affiliations of any additional attendees he or she would like to have present during the grievance meeting prior to the scheduled grievance meeting.

(6) The committee members will verbally vote to render a decision. The committee's decision shall be based on a majority vote. The decision of the committee is final and all KidCare partners will abide by such decision. The grievant will

be notified in writing of the committee's decision within ten (10) calendar days of the Florida KidCare Grievance Committee meeting.

Specific Authority 409.818 FS. Law Implemented 409.818 FS. History–New \_\_\_\_\_.

59G-14.007 Health Services Complaints and Disputes.

(1) Health services complaints involve delay, denial, reduction, or termination of health services or payment for receipt of health services. When a health care service complaint warrants an expedited time frame, the relevant Florida KidCare Program shall be responsible for ensuring the review is conducted within the time frames outlined in 42 CFR s. 457.1160 (b) (2).

(2) Each Florida KidCare Program entity has developed their own particular process for resolving health service complaints and disputes.

(a) Florida Healthy Kids Corporation – The Resolution Coordinator shall contact the health services provider and request that the health services provider accept the complainant's written request to Florida Healthy Kids Corporation regarding a dispute as the initial step in the health services provider's dispute review process. With the complainant's consent, the Resolution Coordinator will forward any pertinent information to the health services provider. The Resolution Coordinator shall request the health services provider to respond to the complainant's dispute request in accordance with the time frames stated in its complaint or grievance process and 42 CFR s. 457.1160. The Resolution Coordinator shall follow up with the health services provider within twenty (20) calendar days of receipt of the complainant's dispute request to confirm appropriate action has been taken. The health services provider's action shall be documented including the date and time any action was taken.

(b) MediKids – The MediKids policy staff will refer the complainant to the appropriate health care provider for resolution of the dispute; or if the complainant requests, the MediKids policy staff will make a referral to the appropriate health care provider. When the complainant's child(ren) is enrolled in a managed care organization, the complainant will be referred to the managed care organization for resolution of the dispute. When the complainant's child(ren) is enrolled with a MediPass provider, the complainant will be referred to the area Medicaid office for assistance with the dispute process. The MediKids staff shall request the health services provider respond to the complainant's dispute request in accordance with the time frames stated in the providers complaint or grievance process and 42 CFR s. 457.1160.

(c) Children Medical Services Network – The Children's Medical Services Network staff will refer health services complaints to the relevant Children's Medical Service area office Nursing Director. The Children's Medical Services

Network staff shall request that the complainant's dispute request is completed in accordance with the time frames stated in 42 CFR s. 457.1160.

Specific Authority 409.818 FS, Law Implemented 409.818 FS, History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Angela Wiggins  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-6.012  
RULE TITLE: Provisional Certificates  
PURPOSE AND EFFECT: The proposed rule amendment provides clarifying language and increases the maximum time period which a provisional certification applicant may perform certain duties.

SUMMARY: The Board's proposed the amendment increases the time period in which a provisional certification applicant may perform certain duties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 468.606, 468.609(7) FS.

LAW IMPLEMENTED: 468.609(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT FOR THE PROPOSED RULE IS:

61G19-6.012 Provisional Certificates.

(1) No change.

(2) Provisional certificates are not renewable, and are valid for the following terms:

(a) Three years for inspectors.

(b) Three years for plans examiners.

(c) Three years for building code administrators or building.

(3) through (5) No change.

(6) Following the submission of an application for provisional certification as either an inspector or plans examiner, the applicant shall be eligible to perform duties in the category for which the application has been submitted for up to a maximum of one hundred twenty (120) ninety (90) days from the application is submitted, and subject to the following condition:

(a) through (b) No change.

(c) Prior to beginning the performance of duties under this exception, ~~at~~ applicants for plans examiner and inspector shall provide the building code administrator for the agency which employs them a copy of the completed application for provisional certification submitted to the Board by the applicant.

(d) Upon being notified that he or she has been determined by the Board to be not qualified for a provisional certificate in the category sought, an applicant shall immediately cease performing duties as a plans examiner or building code inspector under this exception.

Specific Authority 486.606, 468.609(7) FS Law Implemented 468.609(7) FS History--New 5-23-94, Amended 5-21-95, 8-28-95, 12-6-95, 1-3-96, 2-23-99, 4-30-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-6.017  
RULE TITLE: One and Two Family Dwelling Inspector Certification

PURPOSE AND EFFECT: The proposed rule amendment clarifies the eligibility requirements for One and Two Family Dwelling Inspector Certification.

SUMMARY: The rule amendment clarifies the qualification requirements for certification as an One and Two Family Dwelling Inspector.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.609(2), (7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.017 One and Two Family Dwelling Inspector Certification.

(1) No change.

(2) Applicants for standard or provisional certification in this category must meet the eligibility requirements according to one of the following criteria:

(a) Five years' experience as a registered or certified state general, building, or residential contractor in a ~~managerial or~~ supervisory capacity that included operational control and direction of building, mechanical, electrical, and plumbing personnel or subcontractors on residential projects; or

(b) Five years' experience as a job superintendent or project manager in a ~~managerial or~~ supervisory capacity that included operational control and direction of building, mechanical, electrical, and plumbing personnel or subcontractors on residential projects; or

(c) through (d) No change.

(e) A combination of postsecondary education in the field of construction or a related field and experience in the category sought which totals four years, with at least one year of such total being experience in the category sought in construction, building code inspection, or plans review; or

(f) A combination of technical education in the field of construction or a related field and experience in the category sought which totals four years, with at least one year of such total being experience in the category sought in construction, building code inspection, or plans review; or

(g) No change.

Specific Authority 468.606 FS Law Implemented 468.609(2), (7) FS History New 2-28-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-3.004                      RULE TITLE: Diagnostic Testing

PURPOSE AND EFFECT: The Department wants to eliminate an unnecessary rule.

SUMMARY: The rule being repealed identified those tests that could not be reimbursed from personal injury protection funds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 627.736(5) FS.

LAW IMPLEMENTED: 627.736(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, 4052 Bald Cypress Way, Bin #C-03, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-3.004 Diagnostic Testing.

Specific Authority 627.736(5) FS. Law Implemented 627.736(5) FS. History–New 1-7-04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry McPherson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2007

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-42.002  
 RULE TITLE: Licensure by Examination  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the supervised experience hours required.

SUMMARY: The rule amendment will clarify the language concerning the hours of supervised experience required.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.017(1), 468.507 FS.

LAW IMPLEMENTED: 456.027, 468.509 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-42.002 Licensure by Examination.

(1) through (2) No change.

(3) A documented and planned supervised practice experience component in dietetic and nutrition practice of not less than 900 hours shall provide the applicant with a broad spectrum of experiences in dietetics and nutrition. Such practice shall include, but not be limited to:

(a) A minimum of 200 hours in Clinical Nutrition (generally acquired in a hospital or other acute care setting) which may include, but not be limited to experiences in: Participating in the

1. Assessment of nutritional status for both complex and uncomplicated medical conditions, and the application of dietary measures for maintenance of health and treatment of disease or trauma;

2. Design and implementation of nutrition care plans,

3. Application of medical nutrition therapy for treatment of disease and trauma,

4. Selection, implementation and evaluation of enteral and parenteral nutrition regimens,

5. Counseling and nutrition education of patients on dietary modifications, including techniques that demonstrate integration of theoretical training, psychological and

behavioral aspects of interpersonal relationships, documentation of appropriate interventions, and proper decision-making.

6. Performance of basic physical assessments, and

7. Quality assurance.

(b) A minimum of 200 hours in Community Nutrition (generally acquired within a community or public health program or HMO) which may include, but not be limited to experiences in: Exposure to a cross-section of patients with varied educational levels and life styles in different cultural, ethnic, and economic settings and the opportunity to provide them relevant nutritional counseling;

1. Screening/assessment of nutritional status of the population or community group, including counseling techniques that demonstrate integration of theoretical training, psychological and behavioral aspects of interpersonal relationships, documentation of appropriate interventions, and proper decision-making.

2. Provision of nutritional care for people of diverse cultures and religions across the lifespan,

3. Development, evaluation or implementation of community – based health promotion program(s).

4. Nutrition surveillance and monitoring of the population or community group.

5. General health assessment, e.g. blood pressure and vital signs.

6. Development and review of educational materials for the target population, and

7. Development of food and nutrition policy for the population or community group.

(c) A minimum of 200 hours in Food Service Systems Management (generally acquired in an institutional or commercial setting) which may include, but not be limited to, experiences in: Participating in and observing food service management such as menu planning, purchasing, quantity food production, food delivery, employee supervision, budgeting and other aspects of food service systems in institutional settings;

1. Menu planning for target populations to meet nutritional guidelines and special dietary needs,

2. Development or modification of recipes or formulas,

3. Purchasing, production and delivery of food in the institutional or commercial setting,

4. Food safety and sanitation,

5. Budgeting,

6. Performance improvement and quality control; customer satisfaction,

7. Marketing,

8. Selection, operation and care of equipment; design and re-design of work units, and

9. Employee training and supervision; human resource functions.



~~(d) Participating in assessment and counseling techniques that demonstrate integration of theoretical training, psychological and behavioral aspects of interpersonal relationships, documentation of appropriate interventions, and proper decision making.~~

(4) through (5) No change.

Specific Authority 456.017(1), 468.507 FS. Law Implemented 456.027, 468.509 FS. History--New 4-9-89, Amended 11-28-90, 3-24-91, 11-9-92, 5-6-93, Formerly 21M-48.002, Amended 11-4-93, 6-9-94, Formerly 61F6-48.002, Amended 11-12-95, Formerly 59R-42.002, Amended 8-19-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dietetics and Nutrition Council  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2007

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-5.101	Definitions
64E-5.206	General Licenses - Radioactive Material Other Than Source Material
64E-5.210	Special Requirements for a Specific License to Manufacture, Assemble, Repair or Distribute Commodities, Products or Devices Which Contain Radioactive Material
64E-5.216	Reciprocal Recognition of Licenses for Byproduct, Source, Naturally Occurring and Accelerator Produced Radioactive Material, and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass
64E-5.350	Reports of Transactions Involving Nationally Tracked Sources
64E-5.351	Nationally Tracked Source Thresholds
64E-5.430	Inspection and Maintenance
64E-5.440	Records
64E-5.441	Reporting Requirements
64E-5.11072	Energy Compensation Source
64E-5.1501	Purpose and Scope
64E-5.1502	Transportation of Radioactive Material

PURPOSE, EFFECT AND SUMMARY: All changes described herein are needed to comply with the requirements of Florida's agreement with the U.S. Nuclear Regulatory Commission (NRC) to regulate radioactive material. As an agreement state, many of Florida's regulations governing the possession and use of radioactive materials must be identical to the NRC's regulations for federal radioactive materials licensees. The proposed rule specifies requirements for transportation of radioactive materials; national tracking of certain large radioactive sources; general license device transfers and export requirements; manufacturer or distributors of generally licensed devices requirements; reciprocity recognition of out of state licenses reporting requirements; technical changes in the use of energy compensation sources; and written procedures for inspection and maintenance of industrial radiography equipment.

SPECIFIC AUTHORITY: 404.042, 404.051, 404.051(4), (11), 404.061, 404.061(2), 404.071, 404.081, 404.081(1), 404.141, 404.20 FS.

LAW IMPLEMENTED: 404.022, 404.031, 404.051, 404.051(1), (2), (4), (6), (8), (9), (10), (11), 404.061, 404.061(2), 404.071(1), (3), 404.081, 404.081(1), 404.141, 404.20, 404.20(1), 404.22 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Michael N. Stephens, (Mike\_Stephens@doh.state.fl.us) Environmental Health Program Consultant, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1741

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I  
GENERAL PROVISIONS

64E-5.101 Definitions.

As used in these rules, these terms have the definitions set forth below. Additional definitions used only in a certain part are defined in that respective part.

(1) through (78) No change.

(79) "Low specific activity material (LSA)" means that as defined in 49 C.F.R. 173.403, any of the following:

~~(a) Uranium or thorium ores and physical or chemical concentrates of these ores;~~

~~(b) Unirradiated natural or depleted uranium or unirradiated natural thorium;~~

(e) ~~Tritium oxide in aqueous solutions provided the concentration does not exceed 5.0 millicuries (185 MBq) per milliliter;~~

(d) ~~Material in which the radioactivity is essentially uniformly distributed and in which the estimated average concentration of contents does not exceed:~~

~~1. 0.0001 millicurie (3.7 kBq) per gram of radionuclides for which the A<sub>2</sub> quantity is not more than 0.05 curie (1.85 GBq);~~

~~2. 0.005 millicurie (185 kBq) per gram of radionuclides for which the A<sub>2</sub> quantity is more than 0.05 curie (1.85 GBq), but not more than 1 curie (37 GBq); or~~

~~3. 0.3 millicurie (11.1 MBq) per gram of radionuclides for which the A<sub>2</sub> quantity is more than 1 curie (37 GBq).~~

(e) ~~Objects externally contaminated with radioactive material, provided that the radioactive material is not readily dispersible and the surface contamination, when averaged over an area of 1 square meter, does not exceed 0.0001 millicurie (3.7 kBq) per square centimeter for radionuclides of which the A<sub>2</sub> quantity in Appendix A is not more than 0.05 curie (1.85 GBq), or, for all other radionuclides, 0.001 millicurie (37 kBq) per square centimeter.~~

(80) through (99) No change.

(100) ~~“Package” means that as defined in 49 C.F.R. 173.403 the packaging, together with its radioactive contents, as presented for transport.~~

(101) through (121) No change.

(122) ~~“Radiographic exposure device” means any instrument containing a sealed source, fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed from a shielded position to an unshielded position for the purpose of making that is used to make a radiographic exposure. It also is known as a camera or a projector.~~

(123) through (132) No change.

(133) ~~“Sealed source” means radioactive material that is permanently bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.~~

(134) through (193) No change.

(194) ~~“Nationally tracked source” means a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Rule 64E-5.351, F.A.C. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form, and which is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1~~

threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

Specific Authority 404.042, 404.051, 404.061 FS. Law Implemented 404.031, 404.051, 404.061, 404.20, 404.22, FS. History—New 7-17-85, Amended 4-4-89, 5-12-93, 1-1-94, 5-15-96, Formerly 10D-91.102, Amended 5-18-98, 10-8-00, 8-6-01, 9-11-01, 12-18-01, 9-28-06, 8-16-07, \_\_\_\_\_.

PART II

LICENSING OF RADIOACTIVE MATERIALS

SUBPART B

GENERAL LICENSES

64E-5.206 General Licenses – Radioactive Material Other Than Source Material.

(1) through (3) No change.

(4) Certain Measuring, Gauging and Controlling Devices.

(a) No change.

(b)1. The general license in paragraph (4)(a), above, applies only to radioactive material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the Department pursuant to subsection 64E-5.210(4), F.A.C., or in accordance with the specifications contained in a specific license issued by the NRC U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, which authorizes distribution of devices to persons granted a general license by the NRC U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in Section 179.21 of 21 C.F.R. Part 179.

2. No change.

(c) Any person who owns, receives, acquires, possesses, uses, or transfers radioactive material in a device pursuant to the general license in paragraph (4)(a), above;

1. through 3. No change.

4. Shall maintain records showing compliance with the requirements of subparagraphs (4)(c)2. and 3., above. The records shall show the results of tests. The records also shall show the dates of performance of, and the names of persons performing testing, installation, servicing and removal from installation concerning the radioactive material, its shielding or containment. Records of tests for leakage of radioactive material required by subparagraph (4)(c)2., above, shall be maintained for at least three ~~a~~ years after the next required leak test is performed or until the transfer or disposal of the sealed source. Records of tests of the on-off mechanism and indicator required by subparagraph (4)(c)2., above, shall be maintained for at least three ~~a~~ years after the next required test of the on-off mechanism and indicator is performed or until the

sealed source is transferred or disposed. Records which are required by subparagraph (4)(c)3., above, shall be maintained for a period of at least ~~three~~ 2 years from the date of the recorded event or until the transfer or disposal of the device;

5. through 6. No change.

7. Except as provided in subparagraph (4)(c)8., below, shall transfer or dispose of the device containing radioactive material only by export as provided by subparagraph 15. below transfer to a specific licensee of the Department, the ~~NRC U.S. Nuclear Regulatory Commission~~, an Agreement State or a Licensing State, whose specific license authorizes him to receive the device, and within 30 days after transfer of a device to a specific licensee, shall furnish to the Department a report containing identification of the device by manufacturer's or initial transferor's name and model number and serial number, the name, address, license number, where applicable, of the person receiving the device, and the date of the transfer;

8. Shall transfer the device by export as provided by paragraph 15 below, or to another general licensee only:

a. Where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of this section, a copy of Rules 64E-5.103, 64E-5.~~343328~~, and 64E-5.~~344329~~, F.A.C., and any safety documents identified in the label on the device and within 30 days of the transfer, report to the Department the manufacturer's or initial transferor's name and model number and serial number of device transferred, the transferor's name and mailing address for the location of use, and the name, title and phone number of the responsible individual identified by the transferee in accordance with subparagraph 64E-5.206(4)(c)11., F.A.C., to have knowledge of and authority to take actions to ensure compliance with these regulations; or

b. Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee; and

9. No change.

10. Shall be required to obtain written Department authorization before transferring the device to any other specific license not specifically identified in subparagraph 64E-5.206(4)(c)7., F.A.C. The Department authorization is granted provided the specific license identifies the device.

11. through 12. No change.

13. Shall report to the Department changes in the general licensee name and the mailing address for each location ~~of~~ use within 30 days of the effective date of the change. For a portable device, a report of address change is required for a change in the device's primary place of storage.

14. ~~Shall~~ ~~May~~ not hold devices that are not in use longer than 2 years. If the devices with shutters are not being used, the shutters must be locked in the closed position. The testing required by subparagraph 64E-5.206(4)(c)2., F.A.C., need not be performed during the period of storage only. However,

when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two year time limit if the general licensee performs physical inventories at intervals not to exceed three months while they are in standby.

(d) through (e) No change.

15. Shall not export the device containing radioactive material except in accordance with 10 C.F.R. Part 110;

16. Shall respond to written requests from the Department to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Department, a written justification for the request for extension of time.

Specific Authority 404.051, 404.061, 404.071, 404.081 FS. Law Implemented 404.022, 404.051(1), (4), (6), (8), (9), (10), (11), 404.061(2), 404.071(1), (3), 404.081(1), 404.141 FS. History—New 7-17-85, Amended 4-4-89, 1-1-94, Formerly 10D-91.306, Amended 9-28-06,\_\_\_\_\_.

## SUBPART C SPECIFIC LICENSES

64E-5.210 Special Requirements for a Specific License to Manufacture, Assemble, Repair or Distribute Commodities, Products or Devices Which Contain Radioactive Material.

(1) through (3) No change.

(4) Licensing the Manufacture and Distribution of Devices to General Licensees Under subsection 64E-5.206(4), F.A.C.

(a) through (c) No change.

(d) If a device containing radioactive material is transferred for use under the general license described in subsection 64E-5.206(4), F.A.C., each person that is licensed under subsection 64E-5.210(4), F.A.C., shall provide the information specified in this section to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to the initial transfer to the intermediate person. The required information includes the following:

1. A copy of the general license contained in subsection 64E-5.206(4); subparagraphs 64E-5.206(4)(c)2., 3., and 4. or subparagraph 64E-5.206(4)(c)12., F.A.C., do not apply to the particular device, those paragraphs may be omitted;

2. A copy of Rules 64E-5.103, 64E-5.~~343328~~, and 64E-5.~~344329~~, F.A.C.;

3. through 5. No change.

(e) If a device containing radioactive material is transferred for use under an equivalent general license of an Agreement State or the ~~NRC U.S. Nuclear Regulatory Commission~~, each person that is licensed under subsection 64E-5.210(4), F.A.C., shall provide the information specified in this section to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to the initial transfer to the intermediate person. The required information includes the following:

1. A copy of the Agreement States or ~~NRC U.S. Nuclear Regulatory Commission~~ equivalent to Rules 64E-5.103, 64E-5.34328, and 64E-5.344329, F.A.C. If a copy of the ~~NRC U.S. Nuclear Regulatory Commission~~ regulations is provided to a prospective general licensee in lieu of the Agreement State's regulations, it shall be accompanied by a note explaining that the use of the device is regulated by the Agreement State. If certain parts of the regulations do not apply to the particular device, those regulations may be omitted;

2. through 4. No change.

(f) through (h) No change.

(i) Each person licensed under subsection 64E-5.210(4), F.A.C., shall comply with the following additional reporting and record keeping requirements for transfers and receipt of devices to Agreement States, Licensing States, or the NRC.

1. Report all transfers of devices to persons for use under the general license in an Agreement State, Licensing State, or the NRC, that are equivalent to subsection 64E-5.206(4), F.A.C., and all receipts of devices from persons licensed under a general license in Agreement State, Licensing State, or the NRC jurisdiction to the responsible Agreement State, Licensing State, or the NRC agency. This report must contain all of the information described in "Transfers of Industrial Devices Report 04/2007."

2. through 6. No change.

7. If no transfers have been made to or from a particular Agreement State, Licensing State, or the NRC during the reporting period, this information shall be reported to the responsible Agreement State, Licensing State, or the NRC agency upon request of the agency.

8. No change.

(j) No change.

(5) through (14) No change.

(15) Each licensee who manufactures a nationally tracked source after February 6, 2007 shall assign a unique serial number to each nationally tracked source. Serial numbers must be composed only of alpha-numeric characters.

Specific Authority 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051, 404.061, 404.081, 404.141 FS. History--New 7-17-85, Amended 8-25-91, 5-12-93, 1-1-94, 5-15-96, Formerly 10D-91.311, Amended 8-6-01, 9-28-06, 8-16-07, \_\_\_\_\_.

SUBPART D  
RECIPROCITY

64E-5.216 Reciprocal Recognition of Licenses for Byproduct, Source, Naturally Occurring and Accelerator Produced Radioactive Material, and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass.

(1) Subject to these regulations, any person who holds a specific license from the ~~NRC U.S. Nuclear Regulatory Commission~~, an Agreement State or a Licensing State and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, will be granted a general license by the Department to conduct the activities authorized in such licensing document within the State of Florida, except for areas of exclusive Federal jurisdiction, for a period not in excess of 365 consecutive days provided that:

(a) through (d) No change.

(e) Any licensee using or storing radioactive material at any location not listed on the license for a period in excess of 180 days in a calendar year, shall notify the Department with the information listed in paragraph 64E-5.216(1)(b), F.A.C., prior to exceeding the 180 days.

(2) through (3) No change.

Specific Authority 404.051(4), (11), 404.061(2), 404.081(1), 404.141 FS. Law Implemented 404.051(1), (2), (4), (6), (11), 404.061(2), 404.081(1) FS. History--New 7-17-85, Amended 4-4-89, Formerly 10D-91.321, Amended 10-8-00, \_\_\_\_\_.

PART III  
STANDARDS FOR PROTECTION AGAINST RADIATION  
SUBPART L  
REPORTS

64E-5.350 Reports of Transactions Involving Nationally Tracked Sources.

Each licensee who manufactures, transfers, receives, disassembles, or disposes of a nationally tracked source shall complete and submit to the NRC a National Source Tracking Transaction Report as specified in paragraphs (1) through (5) of this section for each type of transaction.

(1) Each licensee who manufactures a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The manufacturer, model, and serial number of the source;

(d) The radioactive material in the source;

(e) The initial source strength in becquerels (curies) at the time of manufacture; and

(f) The manufacture date of the source.

(2) Each licensee that transfers a nationally tracked source to another person shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The name and license number of the recipient facility and the shipping address;

(d) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;

(e) The radioactive material in the source;

(f) The initial or current source strength in becquerels (curies);

(g) The date for which the source strength is reported;

(h) The shipping date;

(i) The estimated arrival date; and

(j) For nationally tracked sources transferred as waste under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification of the container with the nationally tracked source.

(3) Each licensee that receives a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The name, address, and license number of the person that provided the source;

(d) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;

(e) The radioactive material in the source;

(f) The initial or current source strength in becquerels (curies);

(g) The date for which the source strength is reported;

(h) The date of receipt; and

(i) For material received under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification with the nationally tracked source.

(4) Each licensee that disassembles a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;

(d) The radioactive material in the source;

(e) The initial or current source strength in becquerels (curies);

(f) The date for which the source strength is reported;

(g) The disassemble date of the source.

(5) Each licensee who disposes of a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The waste manifest number;

(d) The container identification with the nationally tracked source.

(e) The date of disposal; and

(f) The method of disposal.

(6) The National Source Tracking Transaction Report discussed in subsections (1) through (5) of this section must be submitted to the NRC by the close of the next business day after the transaction. A single report may be submitted for multiple sources and transactions. The reports must be submitted to the National Source Tracking System by using:

(a) The on-line National Source Tracking System;

(b) Electronically using a computer-readable format;

(c) By facsimile;

(d) By mail to the address on the NRC Form 748 National Source Tracking Transaction Report Form; or

(e) By telephone with followup by facsimile or mail.

(7)(a) Each licensee shall correct any error in previously filed reports or file a new report for any missed transaction within 5 business days of the discovery of the error or missed transaction. Such errors may be detected by a variety of methods such as administrative reviews or by physical inventories required by regulation.

(b) In addition, every year each licensee shall reconcile the inventory of nationally tracked sources possessed by the licensee against that licensee's data in the National Source Tracking System. The reconciliation must be conducted during the month of January in each year. The reconciliation process must include resolving any discrepancies between the National Source Tracking System and the actual inventory by filing the reports identified by paragraphs (1) through (5) of this section. In order to reconcile each transaction, the licensee shall file a report for missed transactions or file a corrected report for previously submitted reports containing inaccuracies. By January 31 of each year, each licensee must submit to the National Source Tracking System confirmation that the data in the National Source Tracking System is correct.

(8) Each licensee that possesses Category 1 nationally tracked sources shall report its initial inventory of Category 1 nationally tracked sources to the National Source Tracking System by January 31, 2009 or as specified in 10 C.F.R. 20.2207(h), whichever is the latest. Each licensee that possesses Category 2 nationally tracked sources shall report its initial inventory of Category 2 nationally tracked sources to the National Source Tracking System by January 31, 2009 or as specified in 10 C.F.R. 20.2207(h), whichever is the latest. The information may be submitted by using any of the methods identified by paragraphs (6)(a) through (6)(e) of this section. The initial inventory report must include the following information:

- (a) The name, address, and license number of the reporting licensee;
- (b) The name of the individual preparing the report;
- (c) The manufacturer, model, and serial number of each nationally tracked source or, if not available, other information to uniquely identify the source;
- (d) The radioactive material in the sealed source;
- (e) The initial or current source strength in becquerels (curies); and
- (f) The date for which the source strength is reported.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051, 404.081 FS. History–New \_\_\_\_\_.

64E-5.351 Nationally Tracked Source Thresholds.

The nationally tracked source thresholds are listed in table 1 below with the Terabecquerel (TBq) values as the regulatory standard. The curie (Ci) values specified are obtained by converting from the TBq value. The curie values are provided for practical usefulness only and are rounded after conversion.

Table 1

<u>Radioactive material</u>	<u>Category 1 (TBq)</u>	<u>Category 1 (Ci)</u>	<u>Category 2 (TBq)</u>	<u>Category 2 (Ci)</u>
<u>Actinium-227</u>	<u>20</u>	<u>540</u>	<u>0.2</u>	<u>5.4</u>
<u>Americium-24</u>	<u>60</u>	<u>1,600</u>	<u>0.6</u>	<u>16</u>
<u>Americium-241/Be</u>	<u>60</u>	<u>1,600</u>	<u>0.6</u>	<u>16</u>
<u>Californium-252</u>	<u>20</u>	<u>540</u>	<u>0.2</u>	<u>5.4</u>
<u>Cobalt-60</u>	<u>30</u>	<u>810</u>	<u>0.3</u>	<u>8.1</u>
<u>Curium-244</u>	<u>50</u>	<u>1,400</u>	<u>0.5</u>	<u>14</u>
<u>Cesium-137</u>	<u>100</u>	<u>2,700</u>	<u>1</u>	<u>27</u>
<u>Gadolinium-153</u>	<u>1,000</u>	<u>27,000</u>	<u>10</u>	<u>270</u>
<u>Iridium-192</u>	<u>80</u>	<u>2,200</u>	<u>0.8</u>	<u>22</u>
<u>Plutonium-238</u>	<u>60</u>	<u>1,600</u>	<u>0.6</u>	<u>16</u>
<u>Plutonium-239/Be</u>	<u>60</u>	<u>1,600</u>	<u>0.6</u>	<u>16</u>
<u>Polonium-210</u>	<u>60</u>	<u>1,600</u>	<u>0.6</u>	<u>16</u>
<u>Promethium-147</u>	<u>40,000</u>	<u>1,100,000</u>	<u>400</u>	<u>11,000</u>
<u>Radium-226</u>	<u>40</u>	<u>1,100</u>	<u>0.4</u>	<u>11</u>
<u>Selenium-75</u>	<u>200</u>	<u>5,400</u>	<u>2</u>	<u>54</u>
<u>Strontium-90</u>	<u>1,000</u>	<u>27,000</u>	<u>10</u>	<u>270</u>
<u>Thorium-228</u>	<u>20</u>	<u>540</u>	<u>0.2</u>	<u>5.4</u>
<u>Thorium-229</u>	<u>20</u>	<u>540</u>	<u>0.2</u>	<u>5.4</u>
<u>Thulium-170</u>	<u>20,000</u>	<u>540,000</u>	<u>200</u>	<u>5,400</u>
<u>Ytterbium-169</u>	<u>300</u>	<u>8,100</u>	<u>3</u>	<u>81</u>

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051, 404.081 FS. History–New \_\_\_\_\_.

**PART IV  
RADIATION SAFETY REQUIREMENTS FOR LICENSEES  
AND REGISTRANTS FOR INDUSTRIAL  
RADIOGRAPHIC OPERATIONS  
SUBPART D  
EQUIPMENT CONTROL**

64E-5.430 Inspection and Maintenance.

- (1) No change.
- (2) Each licensee or registrant shall have written procedures and perform equipment inspection and maintenance as described below.
  - (a) through (b) No change.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1), (4), 404.081(1) FS. History–New 9-11-01, Amended \_\_\_\_\_.

64E-5.440 Records.

- (1) No change.
- (2) Each licensee or registrant shall maintain the following records until the Department terminates the license or registration requiring the record:
  - (a) through (c) No change.
  - (d) Radiographer certification documents specified in paragraphs 64E-5.434(2)(d)(e)-(f), F.A.C., and verification of certification status;
  - (e) through (h) No change.
- (3) No change.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1), (4), 404.081(1), 404.20 FS. History–New 9-11-01, Amended 9-28-06, \_\_\_\_\_.

64E-5.441 Reporting Requirements.

- (1) through (3) No change.
- (4) Any licensee conducting radiographic operations or storing radioactive material at any location not listed on the license for a period in excess of 180 days in a calendar year, shall notify the Department prior to exceeding the 180 days.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1), (4), 404.081(1) FS. History–New 9-11-01, Amended 9-28-06, \_\_\_\_\_.

PART XI  
RADIATION SAFETY REQUIREMENTS FOR WIRELINE  
SERVICE OPERATIONS  
AND SUBSURFACE TRACER STUDIES  
SUBPART A  
EQUIPMENT CONTROL

64E-5.11072 Energy Compensation Source.

The licensee can use an ECS that is contained within a logging tool or other tool components only if the ECS contains 100 microcuries (3.7 MBq) or less of licensed material.

(1) For well logging applications with a surface casing for protecting fresh water aquifers, use of the ECS is subject only to the requirements specified in Rules 64E-5.1104, 64E-5.1105~~7~~, and 64E-5.1106, F.A.C., above.

(2) No change.

Specific Authority 404.051, 404.061, 404.071, 404.081 FS. Law Implemented 404.022, 404.051(1), (4), (6), 404.061(2), 404.071(1), 404.081(1) FS. History—New 9-28-06, Amended.

64E-5.1501 Purpose and Scope Transportation of Radioactive Material.

(1) No change.

(2) Determinations and listings of A<sub>1</sub> and A<sub>2</sub> values are found in 10 C.F.R., Part 71, Appendix A, ~~which is herein incorporated by reference and is available from the department.~~

(3) The regulations in this part apply to any licensee authorized by specific or general license issued by the Department to receive, possess, use, or transfer licensed material, if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the license, or transports that material on public highways. No provision of this part authorizes possession of licensed material.

(4) Definition of terms used in this part are those listed in 49 C.F.R. and 10 C.F.R. 71.4, except that whenever a definition refers to evaluation or approval by the U.S. Department of Transportation or NRC, and such evaluation or approval is within the jurisdiction of the State of Florida as an Agreement State, the Department shall perform the evaluation or approval.

Specific Authority 404.051, 404.20 FS. Law Implemented 404.022, 404.051(1), (4), (6), (11), 404.20(1) FS. History—New 7-17-85, Amended 5-15-96, Formerly 10D-91.2001, Amended.

64E-5.1502 Transportation of Radioactive Material.

(1) No change.

(2) Each licensee who transports radioactive material outside of the confines of his facility or other place of use, or who offers radioactive material to a carrier for transport shall:

(a) Comply with the current applicable requirements, appropriate to the mode of transport, of 49 C.F.R. Parts ~~107, 171-180~~~~173, 177, 383, and 390-397~~, and 10 C.F.R. Part 71.

(b) through (c) No change.

(d) The licensee shall comply with U.S. Department of Transportation and NRC regulations in the following areas:

1. Packaging, 49 C.F.R. part 173, subparts A, B, and I;

2. Marking and labeling, 49 C.F.R. part 172, subpart D, §§172.400 through 172.407, §§172.436 through 172.441 of subpart E;

3. Placarding, 49 C.F.R. part 172, subpart F, especially §§172.500 through 172.519 and 172.556, and appendices B and C;

4. Accident reporting, 49 C.F.R. part 171, §§171.15 and 171.16;

5. Shipping papers and emergency information, 49 C.F.R. part 172, subparts C and G;

6. Hazardous material employee training, 49 C.F.R. part 172, subpart H;

7. Security plans, 49 C.F.R. part 172, subpart I;

8. Hazardous material shipper/carrier registration, 49 C.F.R. part 107, subpart G;

9. Definitions, 10 C.F.R. 71.4;

10. Transportation of licensed material, 10 C.F.R. 71.5;

11. Exemptions for low level material, 10 C.F.R. 71.14(a);

12. General license, NRC-approved package, 10 C.F.R. 71.17;

13. Previously approved package, 10 C.F.R. 71.19(a) and (b);

14. General license, U.S. Department of Transportation specification container material, 10 C.F.R. 71.20;

15. General license, Use of foreign approved package, 10 C.F.R. 71.21;

16. General license, Fissile material, 10 C.F.R. 71.22;

17. External radiation standards for all packages, 10 C.F.R. 71.47;

18. Assumptions as to unknown properties, 10 C.F.R. 71.83;

19. Preliminary determinations, 10 C.F.R. 71.85;

20. Routine determinations, 10 C.F.R. 71.87;

21. Air transportation of plutonium, 10 C.F.R. 71.88;

22. Opening instructions, 10 C.F.R. 71.89;

23. Advance notification of shipment of irradiated reactor fuel and nuclear waste, 10 C.F.R. 71.97;

24. Quality assurance requirements, 10 C.F.R. 71.101(a), (b), (c), (f) and (g);

25. Quality assurance organization, 10 C.F.R. 71.103;

26. Quality assurance program, 10 C.F.R. 71.105;

27. Exemption of physicians, 10 C.F.R. 71.13;

28. Handling storage and shipping control, 10 C.F.R. 71.127;

29. Inspection tests and operating status, 10 C.F.R. 71.129;

30. Nonconforming materials parts or components, 10 C.F.R. 71.131;

31. Corrective action, 10 C.F.R. 71.13;

32. Quality assurances records, 10 C.F.R. 71.135;

33. Audits, 10 C.F.R. 71.137;

34. Appendix A to Part 71; and

35. General license plutonium beryllium special form material.

(e) The licensee shall also comply with U.S. Department of Transportation regulations pertaining to the following modes of transportation:

1. Rail, 49 C.F.R. part 174, subparts A through D and K;

2. Air, 49 C.F.R. part 175;

3. Vessel, 49 C.F.R. part 176, subparts A through F and M; and

4. Public Highway, 49 C.F.R. part 177 and parts 390 through 397.

(3) If U.S. Department of Transportation regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the U.S. Department of Transportation specified in subsection (2) of this section to the same extent as if the shipment or transportation were subject to U.S. Department of Transportation regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Department.

Specific Authority 404.051, 404.061, 404.141, 404.20 FS. Law Implemented 404.022, 404.051(1), (4), (6), (11), 404.061(2), 404.141, 404.20(1) FS. History--New 7-17-85, Formerly 10D-91.2003, Amended 10-8-00, 9-28-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
William A. Passetti

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Conti

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2007

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.:                      RULE TITLE:

64F-1.0015                      Materials Incorporated by Reference

PURPOSE, EFFECT AND SUMMARY: This rule adopts and incorporates by reference federal regulations governing the Special Supplemental Food Program for Women, Infants and Children.

SPECIFIC AUTHORITY: 383.011(2)(b), 120.54(6) FS.

LAW IMPLEMENTED: 383.011(2)(b) FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Julia P. Forrester, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, FL 32399-1703

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-1.0015 Materials Incorporated by Reference.

Title 7 Code of Federal Regulations Part 246 and Title 7 Code of Federal Regulations Parts 3015 and 3016, as published in the January 2007 edition of the Code of Federal Regulations are hereby adopted and incorporated by reference. A copy of these portions of the federal regulations can be located at <http://www.gpoaccess.gov/cfr/index.html> or can be obtained from the Department of Health, Bureau of WIC and Nutrition Services, 4052 Bald Cypress Way, Bin #A-16, Tallahassee, Florida 32399-1726.

Specific Authority 383.011(2)(b), 120.54(6) FS. Law Implemented 383.011(2)(b) FS. History--New \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NO.:  
69O-137.001

RULE TITLE:  
Annual and Quarterly Reporting Requirements

PURPOSE AND EFFECT: Annual and Quarterly Reporting Requirements

SUMMARY: To adopt the 2007 NAIC Quarterly and Annual Statement Instructions and NAIC's Accounting Practices and Procedures Manual, as permitted by Section 624.424, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 624.308(1), 624.424(1) FS.

LAW IMPLEMENTED: 624.424(1) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: November 6, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Office of Insurance Regulation, E-mail [kerry.krantz@fldfs.com](mailto:kerry.krantz@fldfs.com)



Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-137.001 Annual and Quarterly Reporting Requirements.

- (1) through (3) No change.
- (4) Manuals Adopted.

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Quarterly and Annual Statement Instructions, Property and Casualty, 2007 2006;
2. The NAIC's Quarterly and Annual Statement Instructions/Life, Accident and Health, 2007 2006;
3. The NAIC's Quarterly and Annual Statement Instructions/Health, 2007 2006; and
4. The NAIC's Quarterly and Annual Statement Instructions/Title, 2007 2006; and
5. The NAIC's Accounting Practices and Procedures Manual, as of March 2007 2006.

- (b) No change.
- 1. through 2. No change.

Specific Authority 624.308(1), 624.424(1) FS. Law Implemented 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, 1-25-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Life & Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Al Willis, Director, Life & Health Financial Oversight, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2007

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NO.: 690-138.001  
 RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

PURPOSE AND EFFECT: To adopt the 2007 NAIC Financial Condition Examiners Handbook as permitted by Section 624.316, Florida Statutes.

SUMMARY: Update NAIC Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 624.308(1), 624.316(1)(c) FS.  
 LAW IMPLEMENTED: 624.316(1)(c) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: November 6, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1)(a) The National Association of Insurance Commissioners Financial Condition Examiners Handbook (2006) is hereby adopted and incorporated by reference.

(b) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2007 is hereby adopted and incorporated by reference.

- (2) through (3) No change.

Specific Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Life & Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Al Willis, Director, Life & Health Financial Oversight, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2007

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NOS.: RULE TITLES:

690-143.041 Definitions

690-143.042 Custody Agreement; Requirements

PURPOSE, EFFECT, AND SUMMARY: To allow insurers to utilize modern systems for holding and transferring securities without physical delivery of securities certificates. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 624.308(1), 628.511(4) FS.

LAW IMPLEMENTED: 624.307(1), 625.55, 628.511 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: November 7, 2007, 1:30 p.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steve Szypula, Office of Insurance Regulation, E-mail [steve.szypula@fldfs.com](mailto:steve.szypula@fldfs.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULES IS:

690-143.041 Definitions.

For the purpose of this chapter, the following definitions shall apply:

(1) "Agent" shall mean a national bank, state bank, ~~or~~ trust company ~~or broker/dealer~~ which maintains an account in its name in a clearing corporation or which is a member of the Federal Reserve System and through which a custodian participates in a clearing corporation, including the Treasury/Reserve Automated Debt Entry Securities System (TRADES) or Treasury Direct System ~~the Federal Reserve book-entry system~~, except that with respect to securities issued by institutions organized or existing under the laws of any foreign country or securities used to meet the deposit requirements pursuant to the laws of a foreign country as a condition of doing business therein, "agent" may include a corporation which is organized or existing under the laws of any foreign country and which is legally qualified under such laws to accept custody of securities.

(2) "Custodian" shall mean:

(a) ~~A~~ national bank, state bank, or trust company which ~~shall~~ has at all times during which it acts as a custodian pursuant to this chapter be no less than adequately capitalized as determined by the standards adopted by United States banking regulators and that aggregate capital, surplus and undivided profits of not less than \$500,000 and which is regulated by either state banking laws or is a member of the Federal Reserve System and which is legally qualified to accept custody of securities in accordance with the standards set forth below, except that with respect to securities issued by institutions organized or existing under the laws of any foreign country, or securities used to meet the deposit requirements pursuant to the laws of a foreign country as a condition of doing business therein, "custodian" may include a bank, or trust company incorporated or organized under the laws of a country other than the United States that is regulated as such by that country's government or an agency thereof that shall at all times during which it acts as a custodian pursuant to this chapter be no less than adequately capitalized as determined by the standards adopted by international banking authorities and that is legally qualified to accept custody of securities; or similar institution which has at all times aggregate capital, surplus and undivided profits of not less than the equivalent of \$500,000 and which is legally qualified to accept custody of securities.

(b) A broker/dealer that shall be registered with and subject to jurisdiction of the Securities and Exchange Commission, maintains membership in the Securities Investor Protection Corporation, and has a tangible net worth equal to or greater than two hundred fifty million dollars (\$250,000,000).

(3) "Clearing Corporation" means a clearing corporation as defined in Section 678.1021, F.S. Clearing Corporation also includes "Treasury/Reserve Automated Debt Entry Securities System (TRADES)" and "Treasury Direct" book-entry securities systems established pursuant to 31 U.S.C. Section 3100 et seq., 12 U.S.C. pt. 391 and 5 U.S.C. pt. 301.

(4) "Custodied securities" means securities held by the custodian or its agent or in a clearing corporation, including the Treasury/Reserve Automated Debt Entry Securities System (TRADES) or Treasury Direct systems.

(5) "Tangible net worth" means shareholders equity, less intangible assets, as reported in the broker/dealer's most recent Annual or Transition Report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 (S.E.C. Form 10-K) filed with the Securities and Exchange Commission.

(6) "Treasury/Reserve Automated Debt Entry Securities Systems (TRADES)" and "Treasury Direct" mean the book entry securities systems established pursuant to 31 U.S.C. Section 3100 et seq., 12 U.S.C. pt. 391 and 5 U.S.C. pt. 301. The operation of TRADES and Treasury Direct are subject to 31 C.F.R. pt 357 et seq.

(7) “Security” has the same meaning as that defined in Section 8-102(a)(15) of the Uniform Commercial Code.

(8) “Securities” has the same meaning as that defined in Section 8-102(a)(15) of the Uniform Commercial Code.

Specific Authority 624.308(1), 628.511(4) FS. Law Implemented 624.307(1), 628.511 FS. History—New 2-7-85, Formerly 4-66.01, 4-66.001, 4-143.041, Amended \_\_\_\_\_.

690-143.042 Custody Agreement; Requirements.

(1) A domestic insurance company may, by written agreement with a custodian, provide for the custody of its securities with ~~that a custodian,~~ The securities that are the subject of the agreement which securities may be held by the custodian or its agent or in a clearing corporation, ~~or in the Federal Reserve book entry system. Securities so held, whether held by the custodian or its agent or in a clearing corporation or in the Federal Reserve book entry system, are referred to herein as “custodied securities.”~~ However, securities which are used to meet the deposit requirements of Section 624.411, F.S., shall only be placed in the custody of a Florida institution which has been approved by the Office of Insurance Regulation for the purpose and under custodial arrangements likewise approved by it.

(2) Any such agreement shall be in writing and shall be authorized by a resolution of the Board of Directors of the insurance company or of an authorized committee thereof. The terms of the agreement shall comply with the following:

(a) ~~Certificated~~ Securities’ certificates held by the custodian shall be held ~~either~~ separate from the securities certificates of the custodian and of all of its other customers ~~or in a fungible bulk of securities as part of a Filing of Securities by Issue (FOSBI) arrangement.~~

(b) Securities held ~~indirectly in a fungible bulk~~ by the custodian and securities in a clearing corporation ~~or in the Federal Reserve book entry system~~ shall be separately identified on the custodian’s official records as being owned by the insurance company. Said records shall identify which ~~custodied~~ securities are held by the custodian or by its agent and which securities are in a clearing corporation ~~or in the Federal Reserve book entry system~~. If the securities are in a clearing corporation ~~or in the Federal Reserve book entry system~~, said records shall also identify where the securities are and if in a clearing corporation, the name of the clearing corporation and if through an agent, the name of the agent.

(c) All custodied securities that are registered shall be registered in the name of the company or in the name of a nominee of the company or in the name of the custodian or its nominee or, if in a clearing corporation, in the name of the clearing corporation or its nominee.

(d) Custodied securities shall be held subject to the instructions of the insurance company and shall be withdrawable upon the demand of the insurance company, except that custodied securities used to meet the deposit

requirements set forth in Section 624.411, F.S., shall, to the extent required by that section, be under the control of the ~~Office Director~~ and shall not be withdrawn by the insurance company without the approval of the ~~Office Director~~.

~~(e) The custodian shall arrange for execution of transactions in custodied securities in accordance with the insurance company’s instructions and shall not exercise discretionary authority to effect transactions in custodied securities except in such limited or special circumstances as the insurance company may authorize.~~

~~(e)(f)~~ The custodian shall be required to send or cause to be sent to the insurance company a confirmation of all transfers of custodied securities to or from the account of the insurance company. In addition, the custodian shall be required to furnish no less than monthly the insurance company with reports of holdings of custodied securities at such times and containing such information as may be reasonably requested by the insurance company. The custodian’s trust committee’s annual report of its review of the insurer’s trust accounts shall also be provided to the insurance company. Reports and verifications may be transmitted in electronic or paper form.

~~(f)(g)~~ During the course of the custodian’s regular business hours, any officer or employee of the insurance company, any independent accountant selected by the insurance company and any representative of an appropriate regulatory body shall be entitled to examine, on the premises of the custodian, the custodian’s records relating to custodied securities, but only upon furnishing the custodian with written instructions to that effect from an appropriate officer of the insurance company.

~~(g)(h)~~ The custodian and its agents shall be required to send to the insurance company all reports which they receive from a clearing corporation ~~or the Federal Reserve book entry system~~ on their respective systems of internal accounting control and reports prepared by outside auditors on the custodians or its agent’s internal accounting control of custodied securities that the insurance company may reasonably request.

~~(h)(i)~~ The custodian shall maintain records sufficient to determine and verify information relating to custodied securities that may be reported in the insurance company’s Annual Statement and supporting Schedules and information required in any audit of the financial statements of the insurance company.

~~(i)(j)~~ The custodian shall provide, upon written request from the ~~Office Insurance Director~~ or from an appropriate officer of the insurance company, the appropriate affidavits, on Forms OIR-~~A1D0~~-341 (A), (B), or (C) or substantially similar forms with respect to custodied securities. Forms OIR-~~A1D0~~-341 (A), (B) and (C), entitled “Custodian Affidavit,” are hereby incorporated by reference. These forms shall become effective on the effective date of these rules and may be obtained from the Office of Insurance Regulation, Larson Building, Tallahassee, Florida.

(j) A national bank, state bank or trust company shall secure and maintain insurance protection in an adequate amount covering the bank's or trust company's duties and activities as custodian for the insurer's assets, and shall state in the custody agreement that protection is in compliance with the requirements of the custodian's banking regulator. A broker/dealer shall secure and maintain insurance protection for each insurance company's custodied securities in excess of that provided by the Securities Investor Protection Corporation in an amount equal to or greater than the market value of each respective insurance company's custodied securities.

(k) The custodian shall be obligated to indemnify the insurance company for any loss of custodied securities occasioned by the negligence or dishonesty of the custodian's officers or employees, or burglary, robbery, holdup, theft or mysterious disappearance, including loss by damage or destruction.

(l) In the event that there is a loss of custodied securities for which the custodian shall be obligated to indemnify the insurance company as provided in paragraph (k) above, the custodian shall promptly replace the securities or the value thereof and the value of any loss of rights or privileges resulting from said loss of securities.

(m) The agreement may provide that the custodian will not be liable for any failure to take any action required to be taken under the agreement in the event and to the extent that the taking of such action is prevented or delayed by war (whether declared or not and including existing wars), revolution, insurrection, riot, civil commotion, act of God, accident, fire, explosion, stoppage of labor, strikes or other differences with employees, laws, regulations, orders or other acts of any governmental authority, or any other cause whatever beyond its reasonable control.

(n) In the event that the custodian gains entry in a clearing corporation ~~or in the Federal Reserve book-entry system~~ through an agent, there shall be an agreement between the custodian and the agent under which the agent shall be subject to the same liability for loss of custodied securities as the custodian, provided, however, that, if the agent shall be subject to regulation under the laws of a jurisdiction which is different from the jurisdiction the laws of which regulate the custodian, the Director may accept a standard of liability applicable to the agent which is different from the standard of liability applicable to the custodian.

(o) The custodian shall provide written notification to the Office if the custodial agreement with the insurer has been terminated or if 100% of the account assets in any one custody account have been withdrawn. This notification shall be remitted to the Office within three (3) business days of the receipt by the custodian of the insurer's written notice of termination or within three (3) business days of the withdrawal

~~of 100% of the account assets agreement must be terminable by the insurance company on not more than thirty (30) days' notice.~~

(3)(a) Nothing in this rule shall prevent an insurance company from depositing securities with another insurance company with which the depositing insurance company is affiliated, provided that the securities are deposited pursuant to a written agreement authorized by the board of directors of the depositing insurance company or an authorized committee thereof and that the receiving insurance company is organized under the laws of one of the states of the United States of America or of the District of Columbia. If the respective states of domicile of the depositing and receiving insurance companies are not the same, the depositing insurance company shall have given notice of the deposit to the insurance commissioner in the state of its domicile and the insurance commissioner shall not have objected to it within thirty (3) days of the receipt of the notice.

(b) The terms of any such agreement shall comply with the following:

1. The insurance company receiving the deposit shall maintain records adequate to identify and verify the securities belonging to the depositing insurance company.

2. The receiving insurance company shall allow representatives of an appropriate regulatory body to examine records relating to securities held subject to the agreement.

3. The depositing insurance company may authorize the receiving insurance company:

a. To hold the securities of the depositing insurance company in bulk, in certificates issued in the name of the receiving insurance company or its nominee, and to commingle them with securities owned by other affiliates of the receiving insurance company, and

b. To provide for the securities to be held by a custodian, including the custodian of securities of the receiving insurance company or in a clearing corporation.

Specific Authority 624.308(1), 628.511(4) FS. Law Implemented 624.307(1), 625.55, 628.511 FS. History—New 2-7-85, Formerly 4-66.02, 4-66.00, 4-143.042, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Steve Szypula, Property and Casualty Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW April 21, 2006

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NO.: 69O-186.017  
 RULE TITLE: Certificate of Mortgage Release  
 PURPOSE, EFFECT AND SUMMARY: Rule 69O-186.017, F.A.C., is being repealed as the authorizing statute was repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 701.041(9) FS.

LAW IMPLEMENTED: 701.041(9) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: November 8, 2007, 9:30 a.m.

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail bob.prentiss@fldfs.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-186.017 Certificate of Mortgage Release.

Specific Authority 701.041(9) FS. Law Implemented 701.041(9) FS. History—New 3-22-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail bob.prentiss@fldfs.com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2007

**Section III**  
**Notices of Changes, Corrections and Withdrawals**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NOS.:	RULE TITLES:
5F-2.001	Standards
5F-2.002	Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oil Numbers 1-D and 2-D, and Fuel Oil Numbers 1 and 2
5F-2.003	Registration and Identification
5F-2.005	Inaccurate Measuring Devices
5F-2.014	Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44
5F-2.016	Guidelines for Imposing Administrative Penalties

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 38, September 21, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.09401	Student Performance Standards

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 29, July 20, 2007 issue of the Florida Administrative Weekly.

The following changes were approved by the State Board within the document "Sunshine State Standards -- Mathematics, 2007" as incorporated by reference within the rule:

Benchmark MA.8.G.2.4: Term "Cartesian" changed to "coordinate" in favor of consistent terminology.

Benchmark MA.912.A.1.8 Use the zero product property of real numbers in a variety of contexts to identify solutions to equations.

Benchmark MA.912.C.3.12 Solve problems using the Newton-Raphson method.

Benchmark MA.912.F.3.17 Compare interest rate calculations and annual percentage rate calculations to distinguish between the two rates.

Statistics Standard 5 statement change in order to be consistent with associated benchmarks.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                   RULE TITLE:  
6A-2.0010                   Educational Facilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 11, March 16, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.:                   RULE TITLE:  
9B-3.047                   State Building Code Adopted

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 30, July 27, 2007 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule (for the Florida Building Commission) contains an error. This notice indicated that the Notice of Rule Development appeared in the Florida Administrative Weekly on June 27, 2007. This date is incorrect; the correct date for publication is June 8, 2007.

**DEPARTMENT OF TRANSPORTATION**

RULE NO.:                   RULE TITLE:  
14-10.007                   Maintenance of Nonconforming Signs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 31, August 3, 2007 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: A public hearing was conducted on August 28, 2007, as indicated in the notice of rulemaking. Participants at that hearing were given the opportunity to discuss the proposed rule amendment and to provide further written documentation within 30 days of the hearing.

THE TEXT OF THE PROPOSED RULE IS REVISED AS FOLLOWS:

1. In subparagraph 14-10.007(2)(a)1., the added sentence regarding structural alterations is changed to change “intended” to “required” and to add the words “applicable to existing structures” after “... comply with building codes” so that the revised sentence reads as follows:

If the structural alterations are required to be made to comply with building codes applicable to existing structures, the permittee must submit to the Department a statement in writing citing the specific requirement of the building code which the alterations are intended to meet.

2. In paragraph 14-10.007(6)(b), the words “or ‘discontinued’” after the word “abandoned” is not to be deleted in the lead in sentence. Further, part of the language relating to a sign no longer existing at the permitted location is moved from the proposed (6)(c) and (6)(c) itself is deleted so that the section reads as follows:

(b) A nonconforming sign is “abandoned” or “discontinued” when a sign structure no longer exists at the permitted location or the sign owner fails to operate and maintain the sign for a period of 12 months or longer. Signs displaying bona fide public interest messages are not “abandoned” or “discontinued” within the meaning of this section. The following conditions shall be considered failure to operate and maintain the sign:

1. Signs displaying only an “available for lease” or similar message,
2. Signs displaying advertising for a product or service which is no longer available,
3. Signs which are blank or do not identify a particular product, service, or facility.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**STATE BOARD OF ADMINISTRATION**

RULE NOS.:	RULE TITLES:
19-11.002	Beneficiary Designation for the FRS Investment Plan
19-11.003	Distributions from FRS Investment Plan Accounts
19-11.005	FRS Investment Plan Complaint Procedures
19-11.008	Forfeitures
19-11.009	Reemployment with an FRS-covered Employer after Retirement
19-11.010	FRS Investment Plan: Privacy

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 32, August 10, 2007 issue of the Florida Administrative Weekly. All of these changes are in response to comments by the Joint Administrative Procedure Committee.

(1) In subsection 19-11.002(5), the following underlined language will be deleted: Beginning with “Alternatively, the member may provide” through to “beneficiary designation form.”

(2) In Rule 19-11.003, the following citation shall be added to the history note after “Law Implemented:” 121.77.

(3) In subparagraph 19-11.003(7)(b)3.: the first sentence shall now read: “If the member fails to repay the invalid distribution, the SBA will declare the member a ‘retiree’ and will pursue repayment of the invalid distribution.”

(4) In subparagraph 19-11.005(3)(a)2., the form number shall be Form SBA-RFI 08-2007.

(5) In paragraph 19-11.008(2)(a): the last sentence will now read: “If the member never returns to work for an FRS employer or if the member returns to FRS covered employment 5 years or more after the date of termination, the member will forfeit the unvested account balance and the associated service credit.”

(6) In paragraph 19-11.008(3)(b): the following will be added to the sentence: “When the SBA, on behalf of the FRS Investment Plan, becomes aware of any accusation of criminal wrongdoing which might result in a forfeiture, the SBA will put a hold on the member’s account to preclude the member from removing his or her money from the account, until a determination is made on whether charges have been filed.”

(7) In paragraph 19-11.009(2)(a): the second sentence will now read: “As a retiree, the former member shall not be reemployed with an FRS-covered employer until he has been retired for 12 months, without suspending his benefits.”

(8) In subsection 19-11.010(2): the second sentence will now read: “The section does permit the SBA to use this information in an administrative or legal proceeding as necessary.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, 1801 Hermitage Centre, Suite 100, Tallahassee, Florida 32308

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:  
40D-4.331                      Modification of Permits

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-21.521	Phase I Moderate Water Shortage
40E-21.531	Phase II Severe Water Shortage
40E-21.541	Phase III Extreme Water Shortage
40E-21.551	Phase IV Critical Water Shortage

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule published in Vol. 33, No. 39, September 28, 2007 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Peter J. Kwiatkowski, P.G., South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 2547 or (561)682-2547, pkwiat@sfwmd.gov, or Elizabeth D. Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6257 or (561)682-6257, bross@sfwmd.gov. For procedural issues contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, jsluth@sfwmd.gov.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

RULE NO.:	RULE TITLE:
60L-35.003	Minimum Requirements

**NOTICE OF CORRECTION**

Notice is hereby given that the Notice of Rule Withdrawal published in Vol. 33, No. 39, September 28, 2007 issue of the Florida Administrative Weekly, should have been published as a Notice of Change.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

RULE NO.:	RULE TITLE:
60L-35.003	Minimum Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule based on comments received from the Joint Administrative Procedures Committee regarding the Notice of Change published Vol. 33, No. 37, September 14, 2007. Subsection (4) will now read:

(4) Employees with an overall rating of either “Below Expectations” or “Unacceptable” shall be considered to have not met their performance expectations for the position during that evaluation period.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-531.300	Application Requirements for Water Well Contractors
62-531.330	Water Well Contractor License Renewal
62-531.450	Unlawful Acts, Grounds for Disciplinary Actions, and Penalties

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 1, January 5, 2007 issue of the Florida Administrative Weekly.

62-531.300 Application Requirements for Water Well Contractors.

(1) through (6) No change.

(7) Satisfactory proof of two years experience in the water well construction business shall be demonstrated by providing one or more letters from the applicant's supervising water well contractors that the applicant has worked with the contractors for at least two years in constructing, repairing, or abandoning water wells ~~a list of at least ten water wells, together with their locations, major use, and approximate depth and diameter, that the applicant has constructed, repaired or abandoned. Of the ten wells, at least seven must have been constructed, rather than repaired or abandoned, by the applicant. This list shall provide the name and address of the owner or owners of each well, and the approximate date the construction of each well was completed. For water wells drilled in Florida, a copy of the completion report for each well shall accompany the list. Completion dates of the ten wells needed to demonstrate the two-years of experience shall be distributed over a consecutive 24-month period. In addition, the applicant shall provide letters from three persons in the water well construction industry, which for the purposes of this requirement are water well contractors, well drillers, vendors of water well parts or equipment, and government-employed well inspectors, attesting to the length of time the applicant has been working in the water well construction business as a major activity.~~

(8) In order to receive mailings from the Department or the Districts, including notice about the license application, it is advised that the applicant shall inform the District within 30 days of any change of the applicant's address.

62-531.330 Water Well Contractor License Renewal.

(1) through (8) No change.

(9) In order to receive mailings from the Department or the Districts, including notice for license renewal, it is advised that the contractor shall inform the District within 30 days of any change of the contractor's address.

62-531.450 Unlawful Acts, Grounds for Disciplinary Actions, and Penalties.

(1) through (4) No change.

(5) When the District finds a person guilty of any of the grounds for disciplinary action in subsection (4) above, it may enter an order imposing one or more of the following disciplinary actions in accordance with the guidelines established in the Department's Water Well Contractor Disciplinary Guidelines and Procedures Manual, October 2002 ~~November 2006~~.

(a) through (6) No change.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:	RULE TITLE:
64B9-8.009	Payment of Fines

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 23, June 9, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.:	RULE TITLE:
64B18-14.002	Penalties

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- (1) Subsection (2)(vv) shall be deleted from the rule.
- (2) The title of the rule will be changed from Penalties to Disciplinary Guidelines.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258



**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Resources**

<p>RULE NOS.:</p> <p>68E-1.002</p> <p>68E-1.004</p> <p>68E-1.0041</p> <p>68E-1.005</p>	<p>RULE TITLES:</p> <p>Introduction, Scope and Definitions</p> <p>General Permit Application Procedures, Requirements and Expiration</p> <p>Authorizations for Marine Turtle Research, Conservation, and Educational Activities</p> <p>Suspension, Revocation and Penalties</p>
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**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 6, February 9, 2007 issue of the Florida Administrative Weekly.

When adopted, it will read as follows:

68E-1.002 Introduction, Scope and Definitions.

(1) Florida Statutes restrict the take, possession, disturbance, mutilation, destruction, selling, transference, molestation, and harassment of marine turtles, nests, or eggs. Protection is also afforded to marine turtle habitat. A specific authorization from Commission staff is required to conduct scientific, conservation, or educational activities that directly involve marine turtles in or collected from Florida, their nests, hatchlings or parts thereof, regardless of the applicant's possession of any federal permit. The authorization may be in the form of a conservation permit, a loan agreement, or a consent permit, as described in Rule 68E-1.0041, F.A.C.

(2) Whenever the Commission determines that a request to conduct research, conservation, or educational activities with marine turtles, their nests, or hatchlings is in the public interest and will advance marine turtle recovery or protect marine turtles, their nests, or habitat, it shall issue authorizations, upon such terms, conditions, or restrictions as are necessary to ensure that the intentions of Section 370.12(1)(c) and (d), F.S. are not violated.

(3) Under agreement with the federal government, the issuance of a permit or other authorization by the Commission may satisfy U.S. Fish and Wildlife Service permit requirements for research, conservation, or educational activities involving Florida marine turtles. An additional permit from the National Marine Fisheries Service might be required for in-water work.

(4) Permits may not be issued for the importation of marine turtles across international boundaries or waters or for head starting, the practice of collecting marine turtle eggs or hatchlings solely for the purpose of raising them until they attain a larger size and then releasing them.

(5) For the purposes of this rule, the following definitions apply:

(a) "Applicant" means the individual who applies for a Marine Turtle Permit from the Commission.

(b) "Conservation purpose" means an act carried out solely for the purpose of maintaining life or habitat of any marine turtle, their nests, hatchlings, or promoting the recovery of marine turtle populations.

(c) "Educational facility" means public or non-public colleges or universities, or nature centers, museums, zoos, aquaria, or similar institutions. Educational facilities must be regularly opened to the public for the primary purpose of providing an educational experience.

(d) "Educational purpose" means to hold marine turtles to exhibit, inform and instruct the public in their biology, habitat, or conservation needs.

(e) "Hatchery" means an area of beach where authorized individuals have placed marine turtle nests in aggregated clusters in one location, with or without restraining or protective walls.

(f) "Hatchling" means any species of marine turtle, within or outside of a nest, that has recently hatched from an egg.

(g) "Marine turtle" means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempii* (Kemp's ridley) or hybrids of these species. For purposes of this rule, marine turtle is synonymous with sea turtle.

(h) "Nest" means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

(i) "Nest relocation" means the practice of excavating a nest following deposition and reburying all intact eggs.

(j) "Principal Permit Holder" means the individual authorized to conduct marine turtle conservation activities under the provisions of this Chapter.

(k) "Prudent peer review standards" means criteria or processes arising from scientific methods established or generally accepted by the scientific community to evaluate deductive models, experiments, research proposals, and results that are directed toward the validation of hypotheses or advancement of scientific knowledge.

(l) "Regulatory permit or authorization" means a permit, water quality certificate, or authorization issued pursuant to Florida Statutes Chapters 161 or 373.

(m) "Scientific purpose" means for the purposes of conducting research or analysis using prudent experimental protocols to gain scientific knowledge and to advance conservation, population management, or biological understanding of marine turtles.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2) 370.12 (1) FS. History—New \_\_\_\_\_.

(Substantial Rewording of Rule 68E-1.004 follows. See Florida Administrative Code for present text.)

68E-1.004 General Permit Application Procedures, Requirements and Expiration.

(1) Any individual desiring to obtain authorization to conduct scientific, conservation, or educational activities directly involving marine turtles shall submit an application to the Commission prior to conduct of the activity. Applications shall be submitted on the application form to the Florida Fish and Wildlife Conservation Commission, Tequesta Field Laboratory, 19100 S.E. Federal Highway, Tequesta, FL 33469 unless otherwise directed. Application for Marine Turtle Permit (FWC Form 32-101 effective 7/99) is hereby incorporated by reference. Application forms shall be made available by the Commission to any individuals requesting them in writing from the above-listed submittal address or by telephone.

(2) Any individual who is a properly accredited person in accordance with Section 370.12(1)(c), F.S., has specific experience with marine turtles and the proposed activity, and meets the applicable criteria in this rule section shall be eligible to receive authorization from the Commission to undertake activities for research, conservation, or educational purposes that involve any of the prohibited actions listed in Section 370.12(1)(d)1. and 2., F.S. The Commission shall not issue permits to individuals unable to demonstrate a working knowledge of current marine turtle conservation practices, to individuals lacking specific experience in conducting marine turtle research or conservation activities, to individuals who do not meet the applicable criteria in this rule section, or if there is no demonstrated need for the project.

(3) In addition to those individuals requesting to conduct activities in accordance with subsection (1) above, any individual who is a properly accredited person shall be eligible to receive authorization from the Commission in the form of a loan agreement to possess dead marine turtles or marine turtle parts for educational purposes pursuant to subsection 68E-1.0041(2), F.A.C.

(4) Applicants requesting a Marine Turtle Permit for the first time to conduct nesting surveys as a Principal Permit Holder shall meet the following additional criteria.

(a) Applicants shall have specific experience conducting nesting surveys, including a minimum of two (2) nesting seasons, or two hundred (200) hours, of marine turtle nesting survey experience. State and federal employees who are requesting a permit for a marine turtle nesting survey program on state or federal land are not required to meet this criteria, but shall submit the following information for their program to document their experience.

(b) To document experience, the applicant shall submit the following information:

1. The specific duties and responsibilities related to marine turtle conservation that have been carried out.

2. The frequency with which nesting surveys were conducted.

3. The area that was surveyed.

4. Whether surveys were conducted independently or with other volunteers.

5. Approximate number of crawls observed during a two (2) year period.

6. List of all of training that was received or presented and name of trainer.

7. Years of program oversight and number of volunteers or staff supervised.

(c) Knowledge – Applicant shall satisfactorily complete a set of standardized comprehensive qualifying examination questions pertaining to general marine turtle biology, nests, species characteristics, and Commission Marine Turtle Conservation Guidelines. Applicant shall correctly answer 90% of the questions to be eligible to receive a permit.

(d) Education – The Commission shall also consider formal and continuing education course work and work experience in the permitting decision.

(e) References – The applicant shall provide two (2) references, each of whom must have specific marine turtle nesting survey experience in Florida, when the applicant's experience is not based on work that was performed under a Commission-issued permit or when Commission staff requests references after receipt of applicant's documentation of experience. Commission staff will request references when an applicant's claimed experience cannot be corroborated by Commission permit records. These references must be knowledgeable regarding the applicant's responsibilities, performance, and experience in marine turtle nesting surveys. At least one of the references must be a Principal Permit Holder, and it is preferable if both recommendations come from a Principal Permit Holder. Personnel supervised by the applicant should not be used as a reference. Complete addresses, telephone numbers, and e-mail addresses should be provided for each reference.

(5) To qualify to relocate marine turtle nests as a Principal Permit Holder, the applicant shall have a minimum of one (1) nesting season, or twenty-five (25) hours, of marine turtle nest relocation experience, obtained within the past five (5) years. As part of the application, the applicant shall provide complete up-to-date documentation of relocation experience for at least one nesting season, including:

(a) Field data sheets documenting relocation experience signed by the Principal Permit Holder (in Florida) or other biologist with marine turtle nesting survey experience (outside Florida) that oversaw the relocations.

(b) To document experience, the Applicant shall submit the following information:

1. List of relocated nests with reason for relocation.

2. List of beach sites that received relocated nests and explanation of how they were chosen.

3. Hatching success data for all relocated nests.

4. Applicant must satisfactorily complete a set of standardized comprehensive qualifying examination questions pertaining to marine turtle nest relocation techniques by correctly answering 90% of the questions.

(6) Upon receipt of multiple applications to conduct nesting surveys on a designated beach, Commission staff shall consider the following in permit decisions:

(a) The length of time applicants conducted nesting surveys in that area and their familiarity with the specific beach.

(b) Ability of the applicants to provide the technical information required by a state or federal regulatory permit.

(c) History of compliance of the applicants with all reporting requirements.

(d) History of compliance of the applicants with all provisions of this Chapter.

(e) Consistency in data collection for the Statewide and Index Nesting Beach Surveys.

(7) For all in-water protection or research work, the permittee shall provide evidence of a valid Incidental Take Authorization from the National Marine Fisheries Service issued pursuant to Section 10 or Section 7 of the Federal Endangered Species Act.

(8) In the event a local, state or federal regulatory permit requires additional marine turtle nesting surveys and conservation activities on a beach that is already a part of either the Statewide or Index Nesting Beach Surveys, Commission staff shall modify the existing Marine Turtle Permit to include any additional survey or monitoring requirements if requested in writing by both the Principal Permit Holder and the regulatory permit holder. Otherwise a second authorization to conduct those activities required as conditions of the regulatory permit may be requested pursuant to subsection (1) above.

(a) If a second authorization is issued, only those activities required as conditions of the regulatory permit shall be authorized. All such conservation activities such as marking or relocating nests shall be conducted secondary to the Statewide or Index Nesting Beach Surveys and in cooperation with the Principal Permit Holder authorized to conduct Statewide or Index Nesting Beach Surveys.

(b) Statewide and Index Nesting Beach data shall be submitted to Commission by the Principal Permit Holder.

(9) When marine turtle protection or monitoring is required as a condition of any regulatory permit, a Marine Turtle Permit to conduct such monitoring shall only be issued to an independent third party who can obtain appropriate authorization as required by this rule section. Counties or municipalities with an established marine turtle conservation program, including a Principal Permit Holder, may conduct monitoring for all local government-sponsored activities such as beach nourishment provided the Principal Permit Holder meets all requirements of this Chapter and the primary

responsibility of the Principal Permit Holder and their program is conservation of marine turtles and not the implementation of other programs such as beach management.

(10) The Commission shall issue permits to an individual who is a properly accredited person requesting to conduct stranding activities as a Principal Permit Holder, provided they have evidence of having attended a Commission or National Marine Fisheries Service stranding workshop within one year prior to application.

(11) Applications for authorization to conduct activities for a scientific purpose shall be accompanied by a research proposal or a detailed statement-of-work to be performed.

(a) The Commission, using prudent peer review standards, shall consider the following in permit decisions:

1. Scientific protocols of the application;

2. The need for the research; and

3. The potential for the research to promote the recovery of marine turtle populations.

(b) During the course of the peer review process, the Commission may seek additional information from the applicant or reviewer, or may consult additional reviewers to ensure appropriate peer review of the application.

(c) The Commission will impose restrictions on the permit or deny the application when necessary based on the above assessments. It is the intent of the Commission to provide and follow a consistently applied, science-based mechanism to ensure that applicants use appropriate scientific methodologies when conducting activities that involve manipulative or invasive methods with marine turtles or their nests.

(12) All facilities making application to hold or to rehabilitate marine turtles are subject to inspection by Commission personnel before issuance of a permit and on a periodic basis for the duration of the permit, if issued. To obtain a permit, the facility must do the following:

(a) Install interpretive signs regarding marine turtle conservation at the educational exhibit of marine turtles. The scientific content of such signs shall be submitted for approval by Commission staff prior to installation at the address in subsection (1) above. Commission staff will approve the sign if the information is accurate and will inform and instruct the public in the biology, habitat, or conservation needs of marine turtles. An approved sign must remain in place while captive or educational turtles are on display at the facility.

(b) Veterinary care shall be provided by facilities holding or rehabilitating marine turtles. Veterinarians providing marine turtle care shall have expertise with marine turtles. The facility shall identify the veterinarian who will provide the care at the facility and include documentation of the veterinarian's experience with the application. The veterinarian identified in the application will be listed on the Marine Turtle Permit.

(c) Rehabilitated marine turtles shall be released as soon as they are fit for survival in the wild. The determination of fitness shall be made by the attending veterinarian in consultation with Commission personnel.

(d) All releases shall be coordinated in advance with Commission personnel.

(13) All facilities holding live marine turtles shall complete monthly reporting forms supplied by the Commission and submit them quarterly. Report forms request information on the status of captive marine turtles, acquisitions, deaths, releases and water quality and may be modified periodically. Failure to provide timely reports shall be grounds for the Commission to revoke current permits and to deny future applications for authorization. The Marine Turtle Holding Facility Quarterly Report (FWC Form ST Effective 4/02) is hereby incorporated by reference.

(a) Marine turtles shall not be held for rehabilitation (whether or not the marine turtles are publicly displayed) in conditions detrimental to the turtle, as determined during a site inspection by Commission staff.

(b) Limited educational displays of marine turtles of a threatened species shall be authorized when consistent with the Marine Turtle Conservation Guidelines.

(c) Endangered marine turtles may be held on display in the event that they have been deemed non-releasable as a result of injuries that would preclude their ability to survive in the natural habitat; are of an unknown or non-Florida origin; or were acquired prior to the enactment of the Federal Endangered Species Act of 1973 (16 U.S.C. § 1531 *et. seq.*).

(14) All facilities or individuals involved in the rehabilitation of marine turtles shall obtain and maintain a current authorization for euthanasia of threatened and endangered marine turtles from the U.S. Fish and Wildlife Service.

(15) A marine turtle conservation permit, loan agreement, or consent permit issued by the Commission must be in the possession of the named Principal Permit Holder(s) or volunteer at all times during conduct of authorized activities.

(16) Commission Marine Turtle Conservation Guidelines related to nesting surveys, nest relocation, release, and other management or conservation activities shall be distributed as appropriate. The Marine Turtle Conservation Guidelines are hereby incorporated by reference (5/07) and are available at the address listed in subsection (1) above. On a periodic basis, the Commission may develop new guidelines or update existing ones to reflect prudent conservation and research practices related to the recovery of marine turtle populations.

(a) These guidelines, after having been acknowledged in writing by the Principal Permit Holder, shall be included as conditions of the permit.

(b) The failure of the Principal Permit Holder or any individual listed on the permit to follow guidelines of the Commission shall be grounds for the Commission to revoke any current permit or to deny future applications for authorization subject to subsection 68A-5.004(5), F.A.C.

(c) The Principal Permit Holder is responsible for transmitting Commission guidelines to all individuals listed on the permit. Failure of the Principal Permit Holder to properly distribute Commission guidelines and to supervise the activities of others listed on the permit shall be grounds for the Commission to revoke current permits and to deny future applications for authorization.

(d) Principal Permit Holders are expected to attend Commission nesting workshops annually, and stranding workshops every two years. Volunteers are expected to attend these workshops at least once every two years.

(17) Permits for scientific research issued under this Chapter are not valid in state, federal, or local parks, monuments, sanctuaries or preserves without additional permits or concurrence from the appropriate management unit.

(18) All permits shall expire at the end of the calendar year from the date of issuance, or at the end of the permitted project, whichever event occurs first.

(19) Permits are non-transferable and shall be issued to a single applicant acting as the Principal Permit Holder.

(20) The Commission shall allow up to twenty-four volunteers to conduct marine turtle conservation work under the supervision of the Principal Permit Holder when requested by the Principal Permit Holder.

(21) The Commission shall allow additional volunteers under a consent permit when requested by the Principal Permit Holder provided these volunteers are not directly involved in data collection, nesting surveys, or in direct contact with a marine turtle, nest, or hatchlings unless specifically approved by Commission staff. The request must list each additional volunteer, specify the activity in which they will participate, and describe the training provided for that activity.

(22) The permit will be issued to include all authorized personnel, each of which must be named on the permit prior to field work. The Principal Permit Holder and other individuals listed on the permit shall have the permit or a copy thereof upon their person while conducting work with marine turtles, their nests, or hatchlings.

(23) Renewal of existing Marine Turtle Permits shall occur as follows:

(a) Commission staff shall provide a reminder to each Principal Permit Holder each fall.

(b) All renewal requests, forms, and reports required pursuant to this section shall be submitted to the Commission Tequesta office approximately two months prior to the expiration of the existing permit.

(c) Permit renewals shall be based upon satisfactory compliance with the conditions of the existing permit, receipt of all reports for authorized activities, compliance with the Marine Turtle Conservation Guidelines for authorized activities, the need for a specific activity, and response to Commission staff upon request for information related to authorized activities.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2) 370.12(1) FS. History–New \_\_\_\_\_.

68E-1.0041 Authorizations for Marine Turtle Research, Conservation, and Educational Activities.

(1) Activities that require a conservation permit include, but are not limited to, any actions associated with a living or stranded marine turtle, its nest, or hatchlings such as:

(a) Any research or conservation activities; or

(b) Any educational activities, including, but not limited to, educational displays or public awareness walks.

(c) Hatcheries shall not be approved unless authorized in an incidental take authorization from the U.S. Fish and Wildlife Service.

(2) Activities involving use of any dead marine turtle or parts thereof shall be authorized by a loan agreement. Authorization For Loan of Marine Turtle Specimens (FWC Form ST-LA effective 5/07) is hereby incorporated by reference.

(3) The following activities shall be authorized by a consent permit:

(a) Transfer of marine turtles, or parts thereof, to or from permit holders into or out of the state of Florida;

(b) Limited consumptive use of marine turtle parts for research;

(c) One-time events or minor activities that are not of a sufficient magnitude to require a conservation permit or a modification to an existing conservation permit;

(d) Actions undertaken in response to an emergency officially designated by the appropriate officials of the state of Florida; or

(e) Actions that are a result of short term collaboration with Commission staff, such as directed research or management activities.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2) 370.12 (1) FS. History–New \_\_\_\_\_.

(Substantial rewording of Rule 68E-1.005 follows. See Florida Administrative Code for present text.)

68E-1.005 Suspensions and Revocation.

(1) Non-compliance with permits issued under the provisions of this Chapter is subject to the following actions:

(a) Failure to fulfill reporting requirements or respond to other information requests shall constitute a minor violation of this rule. Such a violation shall cause the Commission to issue

a notice of noncompliance to the permittee, and issuance of subsequent year permits shall not proceed until the permittee fulfills all such requirements.

(b) Permittee shall be subject to permit suspension or revocation by the Commission if it finds that the permit holder has violated this Chapter, Chapter 370, F.S., Titles 68 or 46, F.A.C., state or federal wildlife protection acts or codes, submitted false information in the application, has deviated significantly from the approved activity, or has violated conditions under which the permit was originally issued.

(2) Permits issued under this Chapter are subject to the provisions of Rule 68A-5.004, F.A.C.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2) 370.12 (1) FS. History–New \_\_\_\_\_.

## Section IV Emergency Rules

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER07-58	\$100,000 Hold 'Em Poker™ "Win A Seat" Second Chance Drawing

SUMMARY OF THE RULE: The Department of the Lottery will conduct a Hold 'Em Poker "Win A Seat" Second Chance Drawing between October 1, 2007 and December 2, 2007, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-58 \$100,000 Hold 'Em Poker™ "Win A Seat" Second Chance Drawing.

(1) Beginning Monday, October 1, 2007 through Sunday, December 2, 2007, players can enter their non-winning \$100,000 Hold 'Em Poker™ ticket(s) in the "Win a Seat" Second Chance Drawing on the Florida Lottery Web site to win World Poker Tour® prizes.

(2) The "Win a Seat" Second Chance Drawing will be held on December 5, 2007. A total of 10 prizes will be awarded: one Grand Prize of a World Poker Tour – Tournament prize package with entry into a World Poker Tour Tournament and

nine second prizes of World Poker Tour merchandise prize packs. The winner of the Grand Prize must select a World Poker Tour Tournament that is held within one year of accepting the prize.

The World Poker Tour – Tournament prize package, valued at approximately \$15,000, includes: entry into a World Poker Tour Tournament with a maximum buy in of \$10,000; round trip coach airfare to tournament location for two (2); hotel accommodations at tournament location (one room, double occupancy for six nights/seven days); one thousand dollars (\$1,000) spending money; two (2) tickets to tournament finals (one ticket if the winner advances to the final round); two (2) merchandise prize packs.

The second prizes of official World Poker Tour merchandise prize packs, valued at \$560, include: quad folding poker game table top; 300 chip set with dealer button; sunglasses; set of eight tumblers; baseball cap; pair of watches.

(3) To enter a non-winning ticket into the “Win a Seat” Second Chance Drawing, players must visit the Florida Lottery’s Web site at [www.flalottery.com](http://www.flalottery.com), click on the “Win a Seat” Second Chance Drawing icon and follow the directions to input their non-winning ticket number(s). The ticket number is a 22-digit number printed across the bottom on the front of a \$100,000 Hold ‘Em Poker ticket. The odds of winning are dependent upon the number of entries received. Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one time, for one entry into the drawing. Winning \$100,000 Hold ‘Em Poker tickets cannot be used for entry into a Second Chance drawing.

(4) A computerized drawing will be held on December 5, 2007, from all entries received by 12:00 midnight (ET), Sunday, December 2, 2007. A total of twenty entries will be drawn. The first valid entry drawn will win the Grand Prize of a World Poker Tour Tournament prize package, and the second through tenth valid entries drawn will win a second prize of World Poker Tour merchandise prize packs. The second through tenth valid entries will be used, in the order in which they were drawn, to select an alternate grand prize winner in the event the grand prize cannot be awarded to the first entry drawn. The eleventh through twentieth entries drawn will be alternates for the second prizes and, if necessary, will be substituted for disqualified entries in the order that the entries are disqualified.

The Florida Lottery will attempt to notify prize winners by telephone, certified mail or e-mail no later than one week after the winners are drawn. If the Florida Lottery is unable to contact the grand prize winner within three weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner as described above. If the Florida Lottery is unable to contact the alternate winner within three weeks of forfeiture by the initial winner, the alternate winner will forfeit

his or her right to claim the prize and the Florida Lottery will award the prize to a second alternate winner. This process will continue until an alternate is contacted or the Florida Lottery has exhausted the list of available alternates, in which case the grand prize will not be awarded. The process to select alternate second prize winners will commence upon completion of the process to select the grand prize winner.

(5) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a “Win a Seat” Second Chance Drawing prize, the player must submit to the Lottery the original valid non-winning ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form to the Florida Lottery no later than three (3) weeks from the winner’s receipt of the forms. The grand prize winner must also submit an Acceptance and Release form and an Internal Revenue Service form W-9. Winners who cannot produce a valid entry ticket and/or do not return their Winner Claim Form as set forth above will forfeit their right to claim the prize. The Winner Claim Form DOL 173-2, revised 9/05, Spanish Winner Claim Form DOL 173-2S, revised 9/05, and the Acceptance and Release form DOL-471, effective 9/07, are incorporated herein by reference and may be obtained at any Lottery office or retailer, from the Florida Lottery’s website at [www.flalottery.com](http://www.flalottery.com), or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016. The Internal Revenue Service Form W-9, *Request for Taxpayer Identification Number and Certification*, revised 11/05, is incorporated herein by reference and may be obtained at any Lottery office, from the Florida Lottery’s website at [www.flalottery.com](http://www.flalottery.com), by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or from the Internal Revenue Service.

The winner of the World Poker Tour Tournament prize package will be provided instructions for making airline and hotel reservations. Reservations must be made at least 30 days prior to the tournament. Winners of World Poker Tour merchandise prize packs will receive their prizes within two weeks of receipt by the Lottery of all required documentation.

(6) Federal income tax withholding for the value of the World Poker Tour Tournament prize package will be paid by the Florida Lottery. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner.

(7) A cash option of \$15,000 is available to the winner in lieu of the World Poker Tour Tournament prize package. Federal income tax withholding will be deducted from the cash prize.

(8) The right to claim a prize cannot be assigned to another person or entity. The winner may designate another person who is at least 18 years of age to receive the Tournament prize package provided such designation is made at the time of

executing the Acceptance and Release Form. In such case, the value of the Tournament prize package will remain taxable income to the winner.

(9) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder, including the official "Win a Seat" Second Chance Drawing rule. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes. Copies of the current prize payment rules and the "Win a Seat" Second Chance Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(10) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play.

(11) A player entering into the Hold 'Em Poker™ "Win A Seat" Second Chance Drawing is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(12) The "Win a Seat" Second Chance Drawing shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawing will be available after the drawing on the Florida Lottery's Website at flalottery.com, by phone at (850)487-7777, or at a Lottery retailer.

(13) If the winner of the World Poker Tour Tournament prize package is identified as owing an outstanding debt to a state agency or child support collected through a court, the debt will be collected in lieu of award of the prize. If the debt of the World Poker Tour Tournament prize package winner is an amount less than the cash option value of \$15,000, the winner shall receive any excess cash value once applicable Federal Withholding Tax has been deducted and the debt has been satisfied. If the debt is an amount greater than \$15,000, the entire cash value of the prize remaining after deduction of applicable Federal Withholding Tax will be applied toward the outstanding debt as provided in Section 24.115, F.S.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 9-28-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 28, 2007

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### Section V Petitions and Dispositions Regarding Rule Variance or Waiver

#### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT on September 24, 2007, the Department of Community Affairs, received a petition for waiver from the Town of Welaka. The petitioner seeks a waiver of certain portions of the Program Application Manual, which is incorporated by reference in Rule 9B-43.0041, Florida Administration Code. The Town is requesting a waiver of those sections of the Program Application Manual which require:

- (1) That the local government provide documentation that it committed the local leverage funds to the project no later than the application deadline date.; and
- (2) That only the local leverage funds which have been identified in the Petitioner's application can be considered in the scoring of eligible leverage for the project.

The petition for waiver is being applied for under Section 120.542, F.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

#### WATER MANAGEMENT DISTRICTS

##### NOTICE OF WITHDRAWAL

NOTICE IS HEREBY GIVEN THAT on October 2, 2007, South Florida Water Management District (District) received a request for Withdrawal of Petition for Waiver from Michael Lurie, Application No. 07-0510-1M for utilization of Works or Lands of the District known as the C-23, Martin County. Notice of receipt of petition requesting waiver was published in the F.A.W., Vol., 33, No. 22, on June 1, 2007. No public comment was received.

A copy of the withdrawal may be obtained from: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, (561)682-6268 or email at [jtriola@sfwmd.gov](mailto:jtriola@sfwmd.gov).

**NOTICE OF WITHDRAWAL**

NOTICE IS HEREBY GIVEN THAT on October 2, 2007, South Florida Water Management District (District) received a request for Withdrawal of Petition for Waiver from Alexander Vennos, Application No. 07-0510-2M for utilization of Works or Lands of the District known as the C-23, Martin County. Notice of receipt of petition requesting waiver was published in the F.A.W., Vol., 33, No. 22, on June 1, 2007. No public comment was received.

A copy of the withdrawal may be obtained from: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, (561)682-6268 or email at [jtriola@sfwmd.gov](mailto:jtriola@sfwmd.gov).

**AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN THAT on September 28, 2007, the Health Care Clinic Unit, Bureau of Health Facility Regulation, Division of Health Quality Assurance of the Agency for Health Care Administration, received a petition for Variance from Rule 59A-33.013, F.A.C., from JSA HEALTHCARE CORPORATION, d/b/a JSA MEDICAL GROUP, pursuant to Section 120.542, Florida Statutes. The rule limits the number of clinics a medical or clinic director may supervise to no more than five (5) licensed health care clinics. The petitioner requests a permanent variance for existing licensed facilities and any future Florida licensed health care clinics and staff with one medical director for no more than fifteen (15) clinics.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Susan Glass, Health Care Clinic Unit, 2727 Mahan Drive, Mail Stop #53, Tallahassee, Florida 32308, or [glass@ahca.myflorida.com](mailto:glass@ahca.myflorida.com). The Health Care Clinic Unit will accept comments and provide information concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (EST) on the date due.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on August 24, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Dairy Queen located in Miami. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment.

This variance request was approved September 27, 2007, and is contingent upon the Petitioner ensuring the bathrooms located in the adjacent establishment are functional, has running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no more than six (6) seats in the establishment which includes inside and outside seating. All provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

To obtain a copy of the approved variance you may contact [David.Fountain@dbpr.state.fl.us](mailto:David.Fountain@dbpr.state.fl.us).

NOTICE IS HEREBY GIVEN that on August 27, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Planet Progress located in Orlando. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment that is under the same ownership.

A copy of the Petition may be obtained by contacting [David.Fountain@dbpr.state.fl.us](mailto:David.Fountain@dbpr.state.fl.us). The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN THAT on August 29, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Big Al's Steaks located in Coconut Creek. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of thirty-five (35).

A copy of the Petition may be obtained by contacting [David.Fountain@dbpr.state.fl.us](mailto:David.Fountain@dbpr.state.fl.us). The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN THAT on September 7, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Sprinkles of Palm Beach located in



Palm Beach. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN THAT on September 10, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from L.A. Café and Coffee House located in Lehigh Acres. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty-eight (28).

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN THAT on September 13, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Ivan Valdiviezo MFDV located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved September 27, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All

warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on September 17, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Roberto Parrilla Restaurant located in Orlando. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to not have bathroom facilities in their facility, but use centrally located bathroom facilities.

This variance request was approved September 24, 2007, and is contingent upon the Petitioner ensuring the centrally located bathrooms are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. Seating shall not exceed thirty-six (36) which includes inside and outside seating. All provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on September 18, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Shuki LLC located in Miami Beach. The above referenced F.A.C. states that all bathrooms

shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment.

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN THAT on September 25, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from The Pickled Parrott, LLC located in Naples. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to use centrally located bathroom facilities for patrons.

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN THAT on September 21, 2007, the Board of Architecture and Interior Design has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on July 16, 2007, by Marshall Erdman and Associates. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 30, of the July 27, 2007, F.A.W. Petitioner sought a waiver or variance of subsection 61G1-12.001(3), F.A.C., entitled "Grounds for Disciplinary Proceedings" which states that an architectural firm may not offer services to the public under a firm name which contains only the name of an individual not licensed as a professional engineer or registered architect in any state. The Board considered the instant Petition at a duly-noticed public meeting, held August 23, 2007, by telephone conference call.

The Board's Order denied the petition finding that Petitioner failed to establish that the purpose of the underlying statutes, Sections 481.219 and 481.225, Florida Statutes, would be met by granting a variance or waiver from subsection 61G1-12.001(3), F.A.C. The Board further found that Petitioner had failed to establish that applying the requirements of the aforementioned rules to its circumstances would violate principles of fairness and impose a substantial hardship.

A copy of the Order may be obtained by contacting: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

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NOTICE IS HEREBY GIVEN THAT on September 19, 2007, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on April 26, 2007, by Jason Darrough. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 20, of the May 18, 2007, F.A.W. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(4)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires that a conditioned candidate must pass all four sections of the CPA examination during the transition period. The Board considered the instant Petition at a duly-noticed public meeting, held July 20, 2007, in Tampa, Florida.

The Board's Order denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-28.0052(4)(b), F.A.C. The Board further found that Petitioner had failed to establish that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on September 19, 2007, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on June 6, 2007, by Natalia Esteban. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 25, of the June 22, 2007, F.A.W. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" with regard to allowing an extension of time for passing all four sections of the CPA examination. The Board considered the instant Petition at a duly-noticed public meeting, held July 20, 2007, in Tampa, Florida.

The Board's Order denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner had failed to establish that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on September 19, 2007, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on June 13, 2007, by Mark Kekich. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 27, of the

July 6, 2007, F.A.W. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires that candidates must pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the date that the first test section passed is taken. The Board considered the instant Petition at a duly-noticed public meeting, held July 20, 2007, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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NOTICE IS HEREBY GIVEN THAT on January 30, 2007, the Department of Environmental Protection has issued an order.

The Petitioner, Frank A. Darabi, P.E., on behalf of Dixie County, Florida, requested a variance from paragraph 62-701.710(3)(b), Florida Administrative Code, which requires that transfer stations be designed with a leachate control system, and from subparagraph 62-701.710(4)(c)2., F.A.C., which requires that transfer stations employ trained spotters. The Petitioner has demonstrated that operation of this facility without the required leachate control system and trained spotter will achieve the purposes of the underlying statute, and that requiring a leachate control system and a trained spotter would create a substantial hardship. Notice of receipt of the petition was published in the F.A.W., Vol. 32, No. 48, December 1, 2007. No comments were received. The Department granted the request for variance.

A copy of the Order may be obtained by contacting: Richard Tedder, Section Administrator at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, MS 35, Tallahassee, Florida 32399-2400, (850)245-8735, or e-mail to [richard.tedder@dep.state.fl.us](mailto:richard.tedder@dep.state.fl.us).

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NOTICE IS HEREBY GIVEN THAT on July 27, 2007, the Department of Environmental Protection has issued an order.

The Petitioner, Lawrence M. Calhoun on behalf of C. C. Calhoun, Inc., requested a variance from subsection 62-701.730(11), Florida Administrative Code, which requires that escrow accounts established to provide financial assurance for closure be funded annually. The Petitioner has demonstrated that, because its facility has not received any solid waste, retaining less than the required funding in the escrow account will achieve the purposes of the underlying statute, and that requiring full funding would create a substantial hardship. Notice of receipt of the petition was published in the F.A.W., Vol. 33, No. 27, July 6, 2007. No comments were received. The Department granted the request for variance.

A copy of the Order may be obtained by contacting: Richard Tedder, Section Administrator at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, MS 35, Tallahassee, Florida 32399-2400, (850)245-8735, or e-mail to [richard.tedder@dep.state.fl.us](mailto:richard.tedder@dep.state.fl.us).

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on September 20, 2007, the Board of Clinical Laboratory Personnel has issued an order. The Board ("Board") of Clinical Laboratory Personnel, hereby gives notice that it has issued an Order Granting the Amended Petition for Variance or Waiver of Rule 64B3-5.002, F.A.C., filed by the Office of the Deputy Clerk on September 20, 2007. Petitioner, Karen Lowe filed an Amended Petition for Variance or Waiver of Rule 64B3-5.002, F.A.C., on August 3, 2007. On September 18, 2007, the Board held a telephone conference to consider Petitioner's Amended Petition. Upon consideration of the Amended Petition filed in this cause, the Board has determined that the Amended Petition should be granted on the following grounds:

1. Section 120.542(2), Florida Statutes (2006), provides that "[v]ariations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate the principles of fairness fairness."

2. Upon considering all of the Petitioner's educational background and work history, the Board determined that the principles of fairness would be violated by requiring her to comply with the portion of Rule 64B3-5.002, F.A.C., at issue.

A copy of the Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, at the above address.

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NOTICE IS HEREBY GIVEN THAT on September 11, 2007, the Board of Nursing, received a petition for Variance or Waiver filed on September 11, 2007 on behalf of Barbara McDermid, PhD, ARNP, LCSW. Pursuant to Chapter 28-104, F.A.C. and Section 120.542, F.S., Petitioner seeks a waiver of

the provisions of Rule 64B9-4.006, F.A.C., entitled "Certification in More Than One Category." Specifically, the Petitioner requests on the basis of preventing a violation of principles of fairness for reasons explained in the Petition, that she be granted a permanent waiver from the national certification in a second category requirement.

This Petition will be considered by the Board at its December 5, 2007 meeting.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN THAT on September 25, 2007, the Florida Housing Finance Corporation, received a petition for Variance of paragraph 67-21.008(1)(b), Florida Administrative Code, from Spanish Trace Housing, Ltd. ("Petition"). The Petition is seeking a variance of the rules that imposes certain conditions on mortgage loans issued by the Corporation under its Multi-Family Mortgage Revenue Bond ("MMRB") Program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF STATE**

The **Department of State** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 25, 2007, 10:00 a.m.

PLACE: R. A. Gray Building, 500 S. Bronough St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: State historical marker review.

A copy of the agenda may be obtained by contacting Catherine Clark at (850)245-6354.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Catherine Clark at (850)245-6354.

The **Division of Historical Resources** and the **Florida Folklife Council** announces a public meeting to which all persons are invited.

DATE AND TIME: November 2, 2007, 11:00 a.m. – 4:00 p.m.

PLACE: College of Arts and Humanities Annex, University of Central Florida Campus, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review nominations for 2008 Florida Folk Heritage Award and Collaboration with Florida State Archives.

A copy of the agenda may be obtained by contacting: Florida Folklife Program, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, 1(800)847-7278.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Florida Folklife Program, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, 1(800)847-7278. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Folklife Program, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, 1(800)847-7278.

The **Department of State**, Quarterly Assistance and Artist Enhancement Grant announces a public panel meeting to which all persons are invited.

DATE AND TIME: November 7, 2007, 9:00 a.m. – conclusion

PLACE: R. A. Gray Building, 3rd Floor, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399. Via Teleconference.

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2007-2008 Artist Enhancement Grants Program and 2007-2008 Quarterly Assistance Grant Panel Meeting.

\*Instructions for meetings held via Teleconference: The panel meeting is a public process that any person may participate. If you would like to participate in the panel meeting, you may dial into the conference call by following the instructions below. Participation in the panel process is by no means required; however, there will be time during the meeting for update information and public comment. During the time when your application is being discussed and initially scored, the Chair will ask for update information and you may respond and also answer direct questions by the panelists. Public comment will occur again after the initial scoring of all applications has been completed. If you have previously sent us a Telephone Participation Form, be aware that we will not call you as described – you must call into the teleconference (toll free) and be ready to give update information or answer questions when your application number is announced. You are advised to dial in at 9:00 a.m. Once you have heard the initial scoring and discussion of your application, you may leave the conference if you wish (hang up) or remain to hear the final outcome.

If you have any questions about the new panel meeting format or if you would like additional assistance determining how to dial in, please do not hesitate to contact the Division at (850)245-6470.

Join the teleconference by dialing the ReadyTalk phone number: 1(866)740-1260. This is a toll-free call. Enter the 7-digit access code: 2456470 (You will be placed on hold until the Chairperson starts the conference)

\*If you have problems joining the conference or if you need technical assistance, please contact the ReadyTalk Customer Care Line: 1(800)843-9166 or contact the Division of Cultural Affairs at (850)245-6470.

Please make sure that the appropriate people in your organization receive this important information.

**INSTRUCTIONS FOR PANEL MEETINGS HELD IN ROOM 307:** Telephone Participation Procedures: As stated in the Grants Program Guidelines, organization grant applications may participate in the panel meetings by telephone. Applicants must submit a written request for telephone participation, which must be received by the Division no later than 4:00 p.m. (Eastern Standard Time), on the last business day immediately preceding the scheduled panel meeting. The request must contain the organization name and application number; the name and date of the panel meeting; the name of the person or persons designated to speak at the panel; and the complete telephone number, including the area code and extension. The request must be signed by an authorized official of the organization, with the name and title typed below the signature.

Please note: These meetings are subject to cancellation or change, please call to confirm the meeting date and time.

A copy of the meeting agenda may be obtained by writing to: Division of Cultural Affairs, 500 S. Bronough Street, R. A. Gray Building, 3rd Floor, Tallahassee, FL 32399-0250.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, please contact: Morgan Lewis or Sarah Stage, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399 or (850)245-6470.

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## DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following telephone conference meeting which all persons are invited to attend.

Council on the Social Status of Black Men and Boys Meeting  
DATE AND TIME: October 30, 2007, 4:00 p.m. – 6:00 p.m.  
PLACE: Toll Free Dial-in Number: 1(888)808-6959,  
Conference Code: 5414291059

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by contacting Fredrica Doctor, Research and Training Specialist, Bureau of Criminal Justice Programs at (850)414-3300.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, contact the Bureau of Criminal Justice Programs at (850)414-3300.

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 24, 2007, 1:00 p.m.  
PLACE: Terry L. Rhodes Building, Ag Law Enforcement Conference Room, 2005 Apalachee Parkway, Tallahassee, FL 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Dairy Industry Technical Council to review changes adopted by the National Conference on Interstate Milk Shipments and other technical matters involving the Florida dairy industry.

A copy of the agenda may be obtained by contacting: Mr. Gary Newton, Chief, Bureau of Dairy Inspection, Division of Dairy Industry, 3125 Conner Boulevard, Mail Stop C27, Tallahassee, Florida 32399-1650, (850)487-1470, e-mail newtong@doacs.state.fl.us.

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The **Florida Alligator Marketing and Education Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 19, 2007, 10:00 a.m.

PLACE: Teleconference Number: (850)245-5722, there is enough space for 20 participants. Participants will need to dial in to the number themselves.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct general business of the Florida Alligator Marketing and Education Committee, and to discuss marketing and education initiatives for the next fiscal year. A list of marketing ideas is being forwarded to the Committee and industry. Please look over the list and provide any comments to the following phone number or during the teleconference. Participants must dial into the telephone conference to participate.

For more information, you may contact John Easley or Martin May at (850)488-0163.

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The **Division of Marketing and Development** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 29, 2007, 2:00 p.m.

PLACE: Eyster Auditorium, Connor Building, 3125 Connor Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting to review and discuss Chapter 2007-244, Section 2, Laws of Florida (conditions surrounding the sale and purchase of horses).

For more information, or if you need special accommodations due to disability or for directions, you may contact Paul Davis at (850)487-2779.

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The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off-Highway Vehicle Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Wednesday, October 17, 2007, 8:30 a.m. – 1:00 p.m. (CST)

PLACE: Comfort Inn, Executive Conference Room, 40 Ft. Pickens Rd., Pensacola Beach, FL 32561, (850)934-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852.

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The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Consumer Fireworks Task Force, to which all persons are invited.

DATE AND TIME: October 25, 2007, 8:00 a.m.

PLACE: Pinellas County Board of County Commissioners, Assembly Room, Fifth Floor, 315 Court Street, Clearwater, Florida 33756, (727)464-3614

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational meeting of the Consumer Fireworks Task Force. For more information about the meeting, for a copy of the agenda, or if special accommodations are needed to attend this meeting because of a disability, please contact: Jeff Vowell, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, or call (850)414-0843.

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#### DEPARTMENT OF EDUCATION

The Florida **Department of Education**, State Advisory Committee for the Education of Exceptional Students announces the following public meeting to which all interested persons are invited.

DATES AND TIMES: Thursday, November 8, 2007, 8:30 a.m. – 5:00 p.m.; Friday, November 9, 2007, 8:15 a.m. – 1:00 p.m.

Executive Committee

DATE AND TIME: November 7, 2007, 6:00 p.m. – 7:30 p.m.

PLACE: Residence Inn Tallahassee, Universities at the Capitol, 600 West Gaines Street, Tallahassee, Florida (telephone: (850)329-9080).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics include: Bureau Update, General Supervision, State Performance Plan, SEA/LEA Determinations, ESE Rules, and Transition.

An opportunity for public comment will be provided during the business meeting on November 9, 2007, 12:00 Noon – 1:00 p.m.

A copy of the agenda may be obtained by writing: State Advisory Committee, Bureau of Exceptional Education and Student Services, Florida Department of Education, 614 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, or by calling the Bureau at (850)245-0475 or Suncom 205-0475.

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau in advance by calling the number indicated above.

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The **Education Practices Commission** announces a hearing to which all persons are invited.

A Teacher Hearing Panel

DATE AND TIME: October 26, 2007, 8:30 a.m. or as soon thereafter as can be heard

PLACE: Wyndham Jacksonville Riverwalk, 1515 Prudential Drive, Jacksonville, Florida 32207, (904)396-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Kathleen M. Richards. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Conflict Resolution Consortium** and the Committee for a Sustainable Emerald Coast announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 8:30 a.m. (CST)

PLACE: Navarre Conference Center, 8700 Navarre Pkwy., Navarre, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The full committee will be reviewing "cross-walk" proposals for final report, discussing implementation strategy and reviewing subcommittee reports. The subcommittees meetings will convene at 9:30 a.m. There will be a public workshop immediately following the meetings (approx. 4:30 p.m.).

A copy of the agenda may be obtained by contacting Lisa Fowler at (850)644-7063.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Lisa Fowler at (850)644-7063. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **University of South Florida**, Lawton and Rhea Chiles Center for Healthy Mothers and Babies announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 16, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Code #974-3143

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Covering Kids and Families Statewide Coalition meeting to which all persons are invited to participate. Agenda items to be discussed include: Florida KidCare Policy changes; Legislative update; Retention and Enrollment issues; Covering Kids and Families Sustainability update and efforts; Business partnerships and community outreach efforts.

For information contact Jodi Ray, Project Director at (813)974-3143, Suncom 574-3143.

A copy of the agenda may be obtained by contacting Jodi Ray at (813)974-3143.

The **Florida Atlantic Research and Development Authority** will hold a Board Meeting to which all interested persons are invited.

DATE AND TIME: Friday, October 19, 2007, 8:00 a.m.

PLACE: 3701 FAU Blvd., Suite 210, Business Incubator Conference Room

For agenda or information contact Scott Ellington, (561)416-6092, or e-mail at : scott@research-park.org.

The **Florida Atlantic University** announces a public meeting to which all persons are invited.

DATE AND TIME: October 19, 2007, 1:00 p.m.

PLACE: Florida Atlantic University, Jupiter Campus, Building MC-02, Room AD 222, 5353 Parkside Drive, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a slide review meeting regarding Florida's Art in State Buildings Program for BR-611/BR-611A FAU Reasearch Facility/FAU Research Facility Expansion.

A copy of the agenda may be obtained by contacting: Corina Mavrodin, 777 Glades Road, Bldg. 69, Rm. 104, Boca Raton, FL 33431.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Corina Mavrodin at (561)297-0541. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Corina Mavrodin at (561)297-0541.

The **Duval County Research and Development Authority** announces a business meeting to which all interested persons are invited.

DATE AND TIME: October 24, 2007, 3:00 p.m. – 4:00 p.m.

PLACE: University of North Florida, University Center, 12000 Alumni Drive, Jacksonville, Florida 32224

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting.

A copy of the meeting agenda may be obtained by contacting Earle C. Traynham, Executive Director, Duval County Research and Development Authority, 1 UNF Drive, Jacksonville, Florida 32224-2645.

The **Florida Alliance for Assistive Services and Technology, Inc.**, Board of Directors announces a public meeting to which all persons are invited to attend.

DATE AND TIME: Friday, October 26, 2007, 8:00 a.m. – 4:00 p.m.

PLACE: The Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, FL 33607, (813)877-6688

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to conduct such business as specified on the agenda.

If you have any questions, please contact FFAST, Inc., 325 John Knox Road, Bldg. 400, Ste. 402, Tallahassee, FL 32303, or by calling (850)487-3278.

If you would like to present information to the Board of Directors, or if you require reasonable accommodations due to a disability, please contact FFAST, Inc. at the above address at least 14 working days in advance of the meeting.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Division of Emergency Management** announces a public meeting to which all persons are invited.

DATE AND TIME: October 24, 2007, 9:30 a.m.

PLACE: Hilton University of Florida Conference Center, 1714 S. W. 34th, Gainesville, Florida 32607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Hurricane Loss Mitigation Advisory Council (RCMP) meeting pursuant to Section 215.559, Florida Statutes.

A copy of the agenda may be obtained by contacting Shemeeka Hopkins at Division of Emergency Management, (850)922-4079.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting Iris Stanley, Division of Emergency Management, at (850)922-4454. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Iris Stanley, Planning Manager, Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)922-4454.

**DEPARTMENT OF TRANSPORTATION**

The **Department of Transportation**, District 5 announces a hearing to which all persons are invited.

Opportunity for a public hearing

DATE AND TIME: DEADLINE: November 9, 2007

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation announces an opportunity for a public hearing.

Notice is hereby given that interested persons may request a public hearing for the renumbering of the old SR 40 alignment. The 2.9 miles of State Road 40, from Interstate 75 (SR 93) to U.S. 441/301 in Ocala, Marion County, Florida was re-aligned in the early to mid 80's.

The proper procedure for notification was not performed at the time of the realignment and, therefore, the opportunity for a public hearing is now being offered. There are no current changes to the existing alignment, rather this notification is to correct the oversight.

The **Department of Transportation**, District 5 announces a hearing to which all persons are invited.

DATE AND TIME: November 9, 2007

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation announces an opportunity for a public hearing.

Notice is hereby given that interested persons may request a public hearing for the renumbering of the old SR 44 alignment. SR 44 from CR 4139, one mile west of I-4 to I-95, in Volusia County, Florida was re-aligned in 2003.

The proper procedure for notification was not performed at the time of the realignment and, therefore, the opportunity for a public hearing is now being offered. There are no current changes to the existing alignment, rather this notification is to correct the oversight.



The **Florida Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Staff Directors' to which all persons are invited.

DATE AND TIME: October 25, 2007, 12:30 p.m. – 3:00 p.m.

PLACE: Crowne Plaza Orlando Airport Hotel, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Brigitte Messina, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, ext. 4037 or e-mail: [brigitte.messina@dot.state.fl.us](mailto:brigitte.messina@dot.state.fl.us).

The **Florida Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Governing Board to which all persons are invited.

DATE AND TIME: October 25, 2007, 4:00 p.m. – 7:00 p.m.

PLACE: Crowne Plaza Orlando Airport Hotel, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Brigitte Messina, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, ext. 4037 or e-mail: [brigitte.messina@dot.state.fl.us](mailto:brigitte.messina@dot.state.fl.us).

The **Department of Transportation**, District 2 announces a hearing to which all persons are invited.

Jacksonville Hearing: Specific notice is provided to the First Coast Metropolitan Planning Organization (FCMPO) and the County Commissions for Putnam, St. Johns, Nassau, Baker, Clay, and Duval counties serving as MPO for their respective counties.

DATE AND TIME: Thursday, November 29, 2007, 5:30 p.m.

PLACE: Florida Department of Transportation, Jacksonville Urban Office, Training Facility, 2198 Edison Avenue, Jacksonville, Florida

Lake City Hearing: Specific notice is provided to the Gainesville Metropolitan Transportation Planning Organization (MTPO) and the County Commissions for Dixie, Levy, Gilchrist, Bradford, Alachua, Columbia, Taylor, Lafayette, Madison, Hamilton, Suwannee and Union counties serving the MPO for the respective counties.

DATE AND TIME: Tuesday, December 4, 2007, 5:30 p.m.

PLACE: Florida Department of Transportation, Lake City District Office, Madison Room, 1109 South Marion Avenue, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation of the Department's Tentative Work Program for Fiscal Years beginning July 1, 2008, through June 30, 2013.

These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, to consider the Department's Tentative Work Program for the period 2008-2009 through 2012-2013, and to consider the necessity of making any changes to the Department's Tentative Work Program.

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#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The Board of Trustees on behalf of the Board of Directors of **Babcock Ranch, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2007, 1:00 p.m. – 3:00 p.m. (EST)

PLACE: Telephone Conference Call: 1(888)272-7337. When prompted, enter Conference Code Number 5447045, and you will be joined to the call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board members will be conducting a preliminary discussion regarding the Babcock Ranch Conceptual Management Plan. The Board will not be taking public testimony or comments during this call. The public is invited to listen as audience members.

A copy of the agenda may be obtained by contacting: Katherine Goletz, Division of State Lands, 3900 Commonwealth Blvd., MS 100, Tallahassee FL 32399-3000, (850)245-2555, [Katherine.Goletz@dep.state.fl.us](mailto:Katherine.Goletz@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting Katherine Goletz at the address/phone above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Katherine Goletz at the address/phone above.

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#### **STATE BOARD OF ADMINISTRATION**

The **Florida Prepaid College Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 23, 2007, 9:00 a.m.

PLACE: 1801 Hermitage Blvd., Hermitage Room, 1st Floor, Tallahassee, Florida 32308. Public access to the conference call will be made available at this location. For instructions on how to access the meeting via telephone conference call, please call (850)488-8514.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the regular business of the Board and matters concerning the Florida Prepaid College Plan and Florida College Investment Plan.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, (850)488-8514.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, Fax (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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#### DEPARTMENT OF CITRUS

The Florida **Department of Citrus** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 30, 2007, 1:30 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss funding alternatives for the Florida Department of Citrus as possible solutions to the free-rider issue.

A copy of the agenda may be obtained by contacting Teresa Czerny at (863)499-2373.

For more information, you may contact Teresa Czerny at (863)499-2373.

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#### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a training session for Commissioners and senior staff which any interested person may attend.

DATE AND TIME: October 25, 2007, 9:00 a.m. (EST)

PLACE: Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is for the Commissioners and senior staff to hear and discuss a presentation by representatives of the Public Utility Research Center on the basic principles of regulatory finance.

If a named storm or other disaster requires cancellation of the meeting, notice of the cancellation of the meeting will be provided on the Commission's website <http://www.psc.state.fl.us> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the Executive Director at (850)413-6068.

A copy of the agenda may be obtained by contacting: Betty Ashby, Office of the Executive Director, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6056, after October 16, 2007.

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The Florida **Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: October 29, 2007, 9:30 a.m. – 5:00 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This informal workshop is being held to discuss and consider rate consolidation issues for water and wastewater utilities. Undocketed.

A copy of the agenda may be obtained by contacting: Paul Staffcup, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6441, e-mail address: [pstaffcu@psc.state.fl.us](mailto:pstaffcu@psc.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 5, 2007, 6:00 p.m.

PLACE: Meeting Room, Lakeland Public Library, 100 Lake Morton Drive, Lakeland, Florida 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this customer meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues in Docket No. 070466-SU, Application for a limited proceeding rate increase in Polk County by West Lakeland Wastewater, Inc.

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Troy Rendell, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6934.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of General Counsel at (850)413-6199. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Children and Youth Cabinet** announces a public meeting to which all persons are invited.

DATE AND TIME: October 30, 2007, 10:00 a.m. – 4:00 p.m.

PLACE: Traditions Hall at the Gibbons Alumni Center, University of South Florida, 4202 E. Fowler Avenue, Tampa, FL 33620

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Children and Youth Cabinet members will discuss the Strategic Plan and timeline as well as other issues regarding child welfare in Florida.

A copy of the agenda may be obtained by contacting: Jennifer M. Stan, Program Coordinator, Office of Adoption and Child Protection at (850)922-0082 or [jennifer.stan@eog.myflorida.com](mailto:jennifer.stan@eog.myflorida.com).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Jennifer M. Stan, Program Coordinator, Office of Adoption and Child Protection at (850)922-0082. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jennifer M. Stan, Program Coordinator, Office of Adoption and Child Protection at (850)922-0082, Fax (850)921-0173, [jennifer.stan@eog.myflorida.com](mailto:jennifer.stan@eog.myflorida.com).

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#### REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces that a meeting of the Local Emergency Planning Committee will be held to which all interested persons are invited.

DATE AND TIME: Wednesday, October 17, 2007, 10:00 a.m.

PLACE: Gulf Coast Community College, Panama City Campus, Student Union West, Room 347, 5230 West Highway 98, Panama City, FL 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The LEPC will discuss regional hazardous materials planning and training issues for the seven counties that comprise District 1. There will also be presentations on pipeline safety, as well as the Department of Homeland Security's new chemical safety program.

Preceding the LEPC meeting the Training and Resource Subcommittee meeting will be held at 8:30 a.m.

WFRPC serves Escambia, Santa Rosa, Okaloosa, Bay, Walton, Holmes and Washington Counties. All meetings and workshops are open to the public. Members of the public with disabilities requiring special accommodations should notify Ms. Debbie Thayer at (850)332-7976, ext. 217, a minimum of 3 days prior to the meeting.

Links to the agenda for the LEPC meeting and previous meetings minutes are located at the LLEPC web calendar at <http://www.wfrpc.org/wfrpc/Lepcmtg.htm>.

Interested parties may also contact John Gallagher at (850)332-7976, ext. 206 in the Pensacola calling area or 1(800)226-8914, ext. 206 outside Pensacola.

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The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2007, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S.W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**The North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2007, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**The North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2007, 6:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

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If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**The North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2007, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**The East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 19, 2007, 10:00 a.m.

PLACE: ECFRPC Offices, 631 North Wymore Road, Suite 100, Maitland, FL 32751 (Please call (407)623-1075, ext. 335 to confirm date, time, and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the Local Emergency Planning Committee.

A copy of the agenda may be obtained by writing to: Ruth Little, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26 Florida Statutes, should, at least 48

hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

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The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 9:00 a.m.

PLACE: Harborside Event Center, 2nd Floor, Meeting Room, 1375 Monroe Street, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular board meeting of the Southwest Florida Regional Planning Council to discuss and recommend action on regional issues for Southwest Florida.

A copy of the agenda may be obtained by contacting Mrs. Nichole Gwinnett, Executive Assistant at [ngwinnett@swfrpc.org](mailto:ngwinnett@swfrpc.org) or (239)338-2550, ext. 232.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Mrs. Nichole Gwinnett, Executive Assistant at [ngwinnett@swfrpc.org](mailto:ngwinnett@swfrpc.org) or (239)338-2550, ext. 232. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Mrs. Nichole Gwinnett, Executive Assistant at [ngwinnett@swfrpc.org](mailto:ngwinnett@swfrpc.org) or (239)338-2550, ext. 232.

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The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 11:00 a.m.

PLACE: Harborside Event Center, 1375 Monroe Street, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Economic Development Forum "A Regional Planning Conference for Southwest Florida".

A copy of the agenda may be obtained by contacting Mrs. Nichole Gwinnett at [ngwinnett@swfrpc.org](mailto:ngwinnett@swfrpc.org), (239)338-2550, ext. 232 or [www.swfrpc.org](http://www.swfrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting Mrs. Nichole Gwinnett at [ngwinnett@swfrpc.org](mailto:ngwinnett@swfrpc.org), (239)338-2550, ext. 232. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mrs. Nichole Gwinnett at [ngwinnett@swfrpc.org](mailto:ngwinnett@swfrpc.org), (239)338-2550, ext. 232 or [www.swfrpc.org](http://www.swfrpc.org).

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The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 19, 2007, 9:30 a.m.

PLACE: Wolf High Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting Liz Gulick at (772)221-4060.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Liz Gulick at (772)221-4060.

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The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 19, 2007, immediately following the regular Council meeting

PLACE: Wolf High Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a joint meeting between the South Florida Regional Planning Council and the Treasure Coast Regional Planning Council.

A copy of the agenda may be obtained by contacting Liz Gulick at (772)221-4060.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Liz Gulick at (772)221-4060. If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, October 25, 2007, 10:30 a.m. (Eastern Time), 9:30 a.m. (Central Time)

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424, or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices at (850)674-4571 prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

**REGIONAL TRANSPORTATION AUTHORITIES**

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 19, 2007, 10:00 a.m.

PLACE: South Florida Regional Transportation Authority, Administration Building, Main Conference Room Suite 100, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Evaluation Committee for RLOI No. 07-854 for Engineering and Consulting Services for Final Design of Pedestrian/ADA Improvements at the Tri-Rail Metrorail Station.

A copy of the agenda may be obtained by contacting the Executive Office at (954)788-7915.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Executive Office at (954)788-7915. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 25, 2007, 10:00 a.m.

PLACE: Board Room of SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Property Task Force (formerly known as the Property Committee).

A copy of the agenda may be obtained by contacting SFRTA Planning Office at (954)788-7916.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 26, 2007, 9:30 a.m.

PLACE: South Florida Regional Transportation Authority, Administration Building, Board Room Suite 100, 800 N. W. 33rd Street, Pompano Beach, Florida 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Florida Regional Transportation Authority Governing Board.

A copy of the agenda may be obtained by contacting the Executive Office at (954)788-7915.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100,

Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 25, 2007, 1:00 p.m. (EDT)

PLACE: District Headquarters, 10 miles west of Tallahassee on Highway 90

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting. To consider District business.

OTHER MEETINGS TO BE HELD ON OCTOBER 25, 2007:  
11:30 a.m. (EDT) District Lands Committee (to discuss land acquisition matters)

1:15 p.m. (EDT) Public Hearing on Consideration of Regulatory Matters

1:30 p.m. (EDT) Public Hearing on Consideration of Land Acquisition Matters

A copy of the agenda may be obtained by contacting: Dorothy Cotton, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available on the internet at [www.nwfwmd.state.fl.us](http://www.nwfwmd.state.fl.us)).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting Larry Wright at the District. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2007, 10:00 a.m.

PLACE: Mallory Swamp

GENERAL SUBJECT MATTER TO BE CONSIDERED: Restoration activities at Mallory Swamp.

A copy of the agenda may be obtained by contacting Gwen Lord, Administrative Assistant at (386)362-1001 or [gal@srwmd.org](mailto:gal@srwmd.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Gwen Lord, Administrative Assistant at

(386)362-1001 or [gal@srwmd.org](mailto:gal@srwmd.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Gwen Lord, Administrative Assistant at (386)362-1001 or [gal@srwmd.org](mailto:gal@srwmd.org).

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 23, 2007, 1:30 p.m.

PLACE: USF Lakeland Campus, Technology Building, Auditorium, 3433 Winter Lake Road, Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: REALITY CHECK WORKSHOP. To engage in an exercise that will plan where and how Polk County should grow in relationship to the region. Ad Order 31300.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 24, 2007, 1:30 p.m.

PLACE: Crown Plaza Tampa East, 10221 Princess Palm Avenue, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: REALITY CHECK WORKSHOP: To engage in an exercise that will plan where and how Hillsborough County should grow in relationship to the region. Ad Order 31300.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the SWFWMD Executive Department at the address above.

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#### DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** October 18, 2007, 2:00 p.m. – 5:00 p.m.; October 19, 2007, 8:30 a.m. – 4:30 p.m.

**PLACE:** Sheraton Suites Orlando Airport, 7550 Augusta National Drive, Orlando, Florida 32822, (407)240-5555

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Various issues regarding the Alzheimer's Disease Initiative.

A copy of the agenda may be obtained by contacting: Rosa Pena, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2339.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Rosa Pena, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2339. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rosa Pena, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2339.

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, October 22, 2007, 7:30 p.m.

**PLACE:** Duval County Medical Society, 555 Bishopgate Lane, Jacksonville, Florida 32204

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To receive public comment on current and proposed policies to be adopted by the Florida Health Information Network and the

Northeast Florida Health Information Consortium related to protecting and maintaining the privacy and security of electronic patient health records.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting Carolyn H. Turner at (850)922-5861. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Agency for Health Care Administration, Division of Medicaid** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday October 22, 2007, 10:00 a.m. – 4:00 p.m.

**PLACE:** Florida Medicaid Area 7 Office, 400 W. Robinson St., South Tower, Conference Room B, Orlando, FL 32801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the Organ Transplant Advisory Council including, but not limited to, review of Medicaid organ transplant policies and recommendations for Medicaid State Plan changes.

A copy of the agenda may be obtained by contacting: Theresa Kumar, Transplant Coordinator, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7322 or kumart@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Theresa Kumar, Transplant Coordinator, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7322, or kumart@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Theresa Kumar, Transplant Coordinator, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7322 or kumart@ahca.myflorida.com.

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The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 29, 2007, 1:00 p.m. – 4:00 p.m.



PLACE: Agency for Health Care Administration, Building 3, Conference A, 2727 Mahan Dr., Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medicaid Reform Technical Advisory Panel.

A copy of the agenda may be obtained by contacting Susan Dilmore at [dilmores@acha.myflorida.com](mailto:dilmores@acha.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Susan Dilmore at [dilmores@acha.myflorida.com](mailto:dilmores@acha.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Susan Dilmore at [dilmores@acha.myflorida.com](mailto:dilmores@acha.myflorida.com).

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#### DEPARTMENT OF MANAGEMENT SERVICES

The **Florida E911 Board** in conjunction with the 911 Coordinator's 2007 Fall conference announces a public meeting to which all persons are invited.

DATES AND TIME: October 22-25, 2007, 8:30 a.m.

PLACE: World Golf Village, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Two (2) or more Florida E911 Board Members could attend these meetings to keep abreast of new and emerging technologies, share county updates and attend training sessions.

A copy of the agenda may be obtained by contacting Penney Taylor at (850)414-9636.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **State Retirement Commission** announces public hearings to which all persons are invited.

DATE AND TIME: October 15, 2007, 8:30 a.m.

PLACE: Division of Retirement, 1317 Winewood Blvd., Building 4, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodations because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting to which all interested persons are invited.

DATE AND TIMES: October 23, 2007, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: April Hammonds, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

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The **Board of Accountancy**, Committee on Continuing Professional Education announces the following public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 4, 2007, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (850)487-1395.

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The **Florida Real Estate Appraisal Board** (FREAB) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 30, 2007, 9:00 a.m.  
PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, 2008 AQB Criteria Changes and general subject matter.

A copy of the agenda may be obtained by contacting: Beverly Ridenauer, Government Analyst II, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Department of Business and Professional Regulation at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Florida Real Estate Commission** announces a public meeting to which all persons are invited (Portions of the probable cause proceedings are not open to the public.).

DATE AND TIME: Monday, October 15, 2007, 3:00 p.m. or the soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Division of Real Estate at (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Real Estate Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, October 16, 2007; Wednesday, October 17, 2007, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by writing to: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Department of Business and Professional Regulation at (407)245-0800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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The **Acquisition and Restoration Council** announces a workshop to which all persons are invited.

DATE AND TIME: October 12, 2007, Directly following the Council meeting

PLACE: Marjorie Stoneman Douglas Building, Conference Rooms A & B, 3900 Commonwealth Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of potential options for prioritizing projects on its land acquisition lists.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Office of Environmental Services at (850)245-2784. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the office of Environmental Services at (850)245-2784.

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 16, 2007, 7:00 p.m. (EDT)

PLACE: Myakka Family Worship Center, 33420 Singletary Road, Myakka City, Florida 34251

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding the potential extension of the Myakka Wild and Scenic River designation to include portions of the Myakka River in Manatee County and Charlotte County.

A copy of the agenda may be obtained by contacting: Stacia Hetrick at (941)486-2052 or email [Stacia.Hetrick@dep.state.fl.us](mailto:Stacia.Hetrick@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Stacia Hetrick at (941)486-2052 or email [Stacia.Hetrick@dep.state.fl.us](mailto:Stacia.Hetrick@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Stacia Hetrick at (941)486-2052 or email [Stacia.Hetrick@dep.state.fl.us](mailto:Stacia.Hetrick@dep.state.fl.us).

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2007, 7:00 p.m. (EDT)

PLACE: Twin Lakes Park, Green Building Conference Room, 6700 Clark Road, Sarasota, Florida 34241

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding the potential extension of the Myakka Wild and Scenic River designation to include portions of the Myakka River in Manatee County and Charlotte County.

A copy of the agenda may be obtained by contacting Stacia Hetrick at (941)486-2052 or email [Stacia.Hetrick@dep.state.fl.us](mailto:Stacia.Hetrick@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Stacia Hetrick at (941)486-2052 or email [Stacia.Hetrick@dep.state.fl.us](mailto:Stacia.Hetrick@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Stacia Hetrick at (941)486-2052 or email [Stacia.Hetrick@dep.state.fl.us](mailto:Stacia.Hetrick@dep.state.fl.us).

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 7:00 p.m. (EDT)

PLACE: Edison College, Charlotte Campus, Auditorium, 26300 Airport Road, Punta Gorda, Florida 33950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding the potential extension of the Myakka Wild and Scenic River designation to include portions of the Myakka River in Manatee County and Charlotte County.

A copy of the agenda may be obtained by contacting Stacia Hetrick at (941)486-2052 or email [Stacia.Hetrick@dep.state.fl.us](mailto:Stacia.Hetrick@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Stacia Hetrick at (941)486-2052 or email [Stacia.Hetrick@dep.state.fl.us](mailto:Stacia.Hetrick@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Stacia Hetrick at (941)486-2052 or email [Stacia.Hetrick@dep.state.fl.us](mailto:Stacia.Hetrick@dep.state.fl.us).

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The **Division of State Lands** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2007, 10:00 a.m. – 4:00 p.m.

PLACE: Conference Room A, Marjorie Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of options for a potential successor program to Florida Forever: Land Acquisition and Management Issues.

A copy of the agenda may be obtained by contacting Division of State Lands at (850)245-2555.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting Division of State Lands at (850)245-2555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the Division of State Lands at (850)245-2555.

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: October 24, 2007, 9:00 a.m. – 4:00 p.m. or until completion

PLACE: Room 412, Knott Building, The Capital, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is the fourth meeting of the Governor's Action Team on Energy and Climate Change. The purpose of this meeting is to continue discussion of policy issues regarding the development of a comprehensive Energy and Climate Change Action Plan that will address statewide greenhouse gas reductions specified in Executive Order 07-127.

A copy of the agenda may be obtained by contacting: Florida Department of Environmental Protection, Attn: Adrienne Walker, Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000, (850)245-2002, [Adrienne.M.Walker@dep.state.fl.us](mailto:Adrienne.M.Walker@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Department of Environmental Protection, Attn: Adrienne Walker, Office of Strategic Planning, 3900 Commonwealth Blvd., M.S.18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002, [Adrienne.M.Walker@dep.state.fl.us](mailto:Adrienne.M.Walker@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Department of Environmental Protection, Attn: Adrienne Walker, Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 (850)245-2002, [Adrienne.M.Walker@dep.state.fl.us](mailto:Adrienne.M.Walker@dep.state.fl.us).

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## DEPARTMENT OF HEALTH

The **Correctional Medical Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: 4040 Esplanade Way, Building 4040, Room 301, Tallahassee, FL 32399, Conference Call: 1(888)808-6959, Conference Code: 2454583

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by contacting: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, Bin B-04, Tallahassee, FL 32399-1732, (850)245-4557.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Suzanne Wieczorek at (850)245-4557. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Suzanne Wieczorek at (850)245-4557.

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The **Special Needs Shelter Interagency Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2007, 9:00 a.m. – 12:00 Noon (EST)

PLACE: Room 301, Building 4042, 4042 Bald Cypress Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Special Needs Shelter Interagency Committee meeting hosted by the Office of Public Health Nursing to develop and negotiate any necessary interagency agreement or policy related to improving the statewide response to special needs sheltering.

A copy of the agenda may be obtained by contacting: Kyana Brown by phone (850)245-4444, extension 2168, by email [Kyana\\_Brown@doh.state.fl.us](mailto:Kyana_Brown@doh.state.fl.us) or by mail 4052 Bald Cypress Way, Bin #C27, Tallahassee, Florida 32399-1711. All materials, information, or comments must be submitted electronically.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Kyana Brown at (850)245-4444, ext. 2168 or by email at [kyana\\_brown@doh.state.fl.us](mailto:kyana_brown@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Florida **Department of Health, Division of Medical Quality Assurance** announces the annual Healthcare Association Long-Range Planning Meeting.

DATE AND TIME: Tuesday, November 13, 2007, 9:00 a.m. – 12:00 Noon

PLACE: Betty Easley Center, Capital Center Office Complex, Room 152, Capital Center Office Complex, 4075 Esplanade Way, Tallahassee, FL 32399-3250. Telephone MQA Director's Office: (850)245-4224.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review with the healthcare associations the long-range policy planning and monitoring process to include recommendations specific to each profession.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Medical Quality Assurance, (850)245-4124, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call Florida Medical Quality Assurance using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

A copy of the agenda may be obtained by writing: Charlene Willoughby, Manager, Strategic Planning Services Unit, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3253.

The **Board of Hearing Aid Specialists** announces a public meeting to which all persons are invited.

DATES AND TIMES: November 8, 2007, 3:00 p.m.; November 9, 2007, 9:00 a.m.

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, FL 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: PCP with Reconsiderations and General Business meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to meeting date.

The Florida **Board of Medicine**, PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 2, 2007, 2:00 p.m.

PLACE: Conference Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting the Prosecution Services Unit at (850)245-4640.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting the Prosecution Services Unit at (850)245-4640. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the Prosecution Services Unit at (850)245-4640.

The **Board of Nursing Home Administrators** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 26, 2007, 9:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607, (813)879-5151. This will also be held by telephone conference call if necessary.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/nurshome/index.html](http://www.doh.state.fl.us/mqa/nurshome/index.html).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Opticianry** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 30, 2007, 9:00 a.m.

PLACE: (850)245-4461 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel and Reconsiderations.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258, or call (850)245-4474.

Any person requiring special accommodations for this conference call due to disability or physical impairment should call (850)245-4474, at least five (5) calendar days prior to the conference call. If you are hearing or speech impaired, please contact the office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Opticianry** announces a public meeting to which all persons are invited.

DATE AND TIME: November 2, 2007, 8:30 a.m.

PLACE: The Greater Ft. Lauderdale, Broward County Convention Center, Room 220-221, 1950 Eisenhower Blvd., Ft. Lauderdale, FL 33316, (954)765-5900

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Opticianry 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which records include the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474 at least one week prior to the meeting date.

The Florida **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 18, 2007, 9:00 a.m.

PLACE: Conference Call Number: 1(888)808-6959, Conference Code 2454330

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the fourth meeting of the Governor's Council on Physical Fitness Active Lifestyles Subcommittee. Subcommittee members will deliberate on tasks listed in Executive Order 07-52 and work on the third draft of the State Implementation Plan due December 1, 2007.

A copy of the agenda may be obtained by contacting [www.HealthyFloridians.com](http://www.HealthyFloridians.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Catherine Howard at (850)245-4444, ext. \*3803. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Catherine Howard at (850)245-4444, ext. \*3803.

The Florida **Department of Health** announces a public meeting to which all persons are invited.

DATES AND TIME: October 22-23, 2007, times will be announced at a later date on [www.HealthyFloridians.com](http://www.HealthyFloridians.com)

PLACE: Lake Nona YMCA, 9055 North Lake Pkwy., Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the third meeting of the Governor's Council on Physical Fitness. There will be an opportunity for public comment at the end of the day on October 23rd.

A copy of the agenda may be obtained by contacting [www.HealthyFloridians.org](http://www.HealthyFloridians.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Catherine Howard at (850)245-4444, ext. \*3803. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Catherine Howard at (850)245-4444, ext. \*3803.

#### FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: December 18, 2007, 9:00 a.m. during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-149.002, Florida Administrative Code, published on March 16, 2007 in Vol. 33, No. 11, of the F.A.W. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Tracie Lambright at e-mail [Tracie\\_Lambright@fldfs.com](mailto:Tracie_Lambright@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

FILING OF FORMS AND RATES FOR LIFE/HEALTH  
INSURANCE

PART I FILING OF RATES FOR HEALTH INSURANCE

690-149.002 Scope and Applicability.

(1) through (5) No change.

(6) Pursuant to the provisions of Section 627.410(6)(b), F.S., rate filings required by Rule 690-149.003, F.A.C. and Annual Rate Certification (ARC) filings required by Rule 690-149.007, F.A.C., are not required to be made for the following; however, the rating standards contained in this Part I and applicable statutes shall continue to apply as if the rate schedules were required to be filed for approval:

(a)1. Annually rated group health insurance policies as defined by Section 627.652(1), F.S., including blanket insurance as defined by Section 627.659, F.S., issued in this state that provide availability of coverage only to groups with 51 or more employees/members.

(b)2. This filing exemption does not apply to franchise policies issued pursuant to Section 627.663, F.S.

(c)3. This filing exemption does not apply to stop-loss policy forms, unless the policy is issued only to employers with 51 or more employees.

(7)(a)(b)1. Forms that provide for the acceleration of the benefits of a life insurance policy that are incidental to the total life insurance coverage are not subject to the annual rate or ARC filing requirements of Section 627.410, F.S., or these rules. The insurer is required to submit an actuarial demonstration with the initial filing for approval demonstrating such incidental compliance.

(b)2. The acceleration is considered incidental if the value of the accelerated benefit is less than 10 percent of the total value of the benefits provided by the life insurance coverage. These values shall be measured as: a. The present values of the benefits determined as of the date of issue, determined according to the formula (NSP2-NSP1)/NSP1, applied over a range of underwriting classes and plans at which the benefit is being made available, is not in any case greater than 10%, where: or

1. NSP1 and NSP2 are determined using an effective annual interest rate of 6%.

2. NSP1 is the net single premium for the base policy benefits assuming there is no accelerated death benefit.

3. NSP2 is the net single premium for the base policy benefits assuming that the full death benefit is paid at time of death or the occurrence of the non-death accelerated death benefit trigger.

b. The relationship between the premiums if the premiums are separable and fixed at issue.

(c) If a separate premium or cost of insurance (COI) charge is the only charge being charged for the accelerated benefit provided, the ratio of the present value of the accelerated benefit premiums or COI charges over the life of the policy to the present value of the policy premiums or COI

charges exclusive of any riders, does not exceed 10%, the present values shall be determined using an effective annual interest rate of 6%.

(d) Upon request of the Office, the insurer shall provide an actuarial demonstration that the accelerated death benefit continues to meet these standards. If it is determined that the accelerated death benefit fails to comply with these standards, the provisions of these rules shall apply.

Specific Authority 624.308(1), 627.410(6)(b) FS. Law Implemented 624.307(1), 627.402, 627.410(1), (2), (6), (7), 627.411(1)(e), (2), 627.6515(2)(a), 627.6699 FS. History—New 7-1-85, Formerly 4-58.02, 4-58.002, Amended 4-18-94, 4-9-95, 10-27-02, Formerly 4-149.002, Amended 5-18-04, \_\_\_\_\_.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

## BLUEPRINT COMMISSION

The **Blueprint Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, October 17, 2007, 1:00 p.m. – 6:30 p.m. (This meeting will be open to public comment from 4:30 p.m. – 6:30 p.m.); Thursday, October 18, 2007, 8:30 a.m. – 1:00 p.m. (This meeting will not feature public comment.)

PLACE: Hyatt Regency Coconut Point, 5001 Coconut Road, Bonita Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission welcomes the public to attend this meeting, which will include presentations from juvenile justice stakeholders and a determined time for citizens to provide input and suggestions for improving Florida's juvenile justice system. Public comment will be received on October 17, 2007, 4:30 p.m. until 6:30 p.m., on any issue related to juvenile justice. October 18, 2007, is for presentations only; public comment will not be received. Speakers will be required to fill out a public testimony card available at the registration table outside the meeting room and are limited to five minutes.

If you have questions or would like a copy of the agenda, please contact Bonnie Rogers at (850)921-0745 or visit [www.floridablueprintforyouth.com](http://www.floridablueprintforyouth.com).

## SOIL AND WATER CONSERVATION DISTRICT

The **Palm Beach Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2007, 8:00 a.m.

PLACE: USDA Service Center, 750 S. Military Trail, Suite H, West Palm Beach, FL 33415

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business. Regular public meeting.

A copy of the agenda may be obtained by contacting Laura at (561)683-2285, ext. 3.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Omelio at (561)683-2285, ext. 3. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Laura at (561)683-2285, ext. 3.

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### **SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited.

DATE AND TIME: Thursday, October 25, 2007, 1:30 p.m.

PLACE: Ritz-Carlton Resort, Conference Center, 280 Vanderbilt Road, Naples, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Business Meeting and Strategic Planning Retreat.

A copy of the agenda may be obtained by contacting Mr. Richard C. Dowdy, Program Administrator at (850)878-1874.

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### **FLORIDA PORTS COUNCIL**

The **Florida Ports Financing Commission (FPFC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 29, 2007, 4:00 p.m. – 6:00 p.m.

PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028.

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The **Florida Seaport Transportation and Economic Development Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 30, 2007, 8:45 a.m. – 1:00 p.m.

PLACE: Senate Office Building, Room 110, Tallahassee, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028.

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### **FLORIDA ASSOCIATION OF COURT CLERKS AND COMPTROLLERS**

The **Florida Electronic Recording Advisory Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: October 31, 2007, 9:00 a.m.

PLACE: Florida Association of Court Clerks and Comptrollers, 3544 Maclay Blvd., Tallahassee, Florida 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is regular meeting of the full committee. Existing standards and practices for county recorders in this state will be reviewed, along with a preliminary review of published standards on which the committee will be relying.

A copy of the agenda may be obtained from <http://flclerks.com/eRecording.html> or by contacting Beth Allman at the Florida Association of Court Clerks and Comptrollers at (850)921-0808 or [allman@flclerks.com](mailto:allman@flclerks.com).

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT Construction Industry Licensing Board has received the petition for declaratory statement from James Martin. The petition seeks the agency's opinion as to the applicability of Section 489.128 F.S. as it applies to the petitioner.

The Construction Industry Licensing Board hereby gives notice that on September 4, 2007, it received a Petition for Declaratory Statement filed by James Martin, who is in the business of providing and installing cabinets. The petition seeks the Board's interpretation of Section 489.128, F.S., as it applies to the installation of kitchen and bathroom cabinets in residential buildings. Specifically, the Petitioner requests that the Board issue a declaratory statement as to (1) whether the State of Florida requires that the installation of kitchen and bathroom cabinets in residential buildings must be performed only by licensed contractors and (2) whether a State certified contractor who installs such cabinets in a Florida city or county would be considered an unlicensed contractor under Section 489.128, F.S. if such a contractor does not obtain a local Certificate of Competency or register their state license with the local authorities.

A copy of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0750.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0750.

NOTICE IS HEREBY GIVEN THAT The Building Code Administrators and Inspectors Board has issued an order disposing of the petition for declaratory statement filed by William Dumbaugh on February 14, 2007. The following is a summary of the agency's disposition of the petition:

NOTICE OF DISPOSITION The Building Code Administrators and Inspectors Board ("Board") hereby, gives notice that it has issued a Final Order on the Petition for Declaratory Statement that was filed by William Dumbaugh.

The Petition for Declaratory Statement was published on March 23, 2007, in Vol. 33, No. 12, of the F.A.W. Petitioner inquired as to the nature and scope of an exemption contained within Section 468.602, F.S., and requests that the Board issue a Declaratory Statement as to whether under Section 468.602(2), Florida Statutes, an architect or engineer can delegate the applicable inspections to a representative that is not licensed as an architect, engineer, or building inspector. The Petition came before the Board at its meeting held on June 8, 2007, in Orlando, Florida. Based upon the facts and the analysis discussed in its final order, the Board issued a declaratory statement stating, that based upon the exemption of Section 468.602(2), Florida Statutes, an architect or engineer may not delegate an inspection to a representative that is not licensed as an architect, engineer, or building inspector.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

## Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

## Section IX Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO CONSTRUCTION MANAGERS:**

The University of Florida Board of Trustees announces that CM-At-Risk services will be required for the project listed below:

Project: UF-206, Graduate Studies Building (Hough Hall), Gainesville, FL

The project consists of a new, freestanding building to house classrooms and office, meeting, event, study/lounge, and support space for graduate programs in the Warrington College of Business Administration. The new facility, which is estimated at roughly 54,000 GSF, must fit contextually in the historic district of campus with a thoughtful and high-performance design that enhances the “front door” to the University. Comprehensive site (and jobsite) planning must account for revised traffic patterns, accessibility, routing of utilities, landscape and hardscape elements, and views to and from existing buildings. It is anticipated that an “early site package” will be developed at the 60% CDs phase to allow sitework and site utilities work to begin before the building design is complete. The goal is to occupy the building – after Final Completion of construction – in January 2010.

The estimated construction budget is approximately \$18,900,000, including site improvements and utilities, interior voice/data and audio/visual systems, and other site-specific allowances. The University is interested in utilizing Building Information Modeling (BIM) as a tool for improving quality, cost, and schedule by aiding coordination of trades, reducing field conflicts, and generally enhancing the construction process itself. Silver or higher LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory, and an independent consultant will provide commissioning services throughout design and construction.

The contract for construction management services will consist of two phases, pre-construction and construction. Pre-construction services will begin at the Advanced Schematic Design stage and will include production of cost studies and estimates; value engineering; analysis of the design

documents for constructability, coordination, detailing, materials, and systems; development and maintenance of the construction schedule; production of detailed jobsite management plans; development of strategies for the procurement of trade contracts; and development of at least two Guaranteed Maximum Price (GMP) proposals, including the primary building construction based on 100% Construction Documents. If the GMP proposal(s) are accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement, may result in the termination of the construction manager’s contract.

Applicants will be evaluated on the basis of their past performance, experience, personnel, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 50 single-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant’s understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific “CM Qualifications Supplement” (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff.
5. Proof of the applicant’s corporate status in Florida (if applicable) and a copy of the applicant’s current contracting license from the appropriate governing board.
6. Proof of applicant’s bonding capacity.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in

excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Owner-CM agreement, UF General Terms and Conditions, and other project and process information can be found on the Facilities Planning & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. (Local Time), on Friday, November 9, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction  
232 Stadium / P. O. Box 115050  
Gainesville, FL 32611-5050  
Telephone: (352)392-1256, Fax: (352)392-6378  
Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

#### REQUEST FOR BID

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB08SV-235, Yon Hall Electrical Repairs, estimated budget: \$250,000, to be opened November 6, 2007, at 2:00 p.m., in 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Complete replacement of a Medium Voltage Unitary Substation stepping down from 4,160 Volts to 208/120 Volts. The work includes scheduling and performing the work over a limited time period to minimize outage effects for the building occupants. The substation is located in Yon Hall, Building No. 158, and has these components: MV Switch, Transformer, LV Breakers and Motor Control Center. Mandatory Pre-Bid Meeting will be held October 23, 2007, at 2:00 p.m., in the PPD A/E Conference Room, Building 700, Radio Road, Gainesville, FL. Specifications and Plans are available in Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611.

Questions should be directed to Karen Olitsky, Purchasing and Disbursement Services, [kolitsk@ufl.edu](mailto:kolitsk@ufl.edu) or (352)392-1331. For more information visit [www.purchasing.ufl.edu](http://www.purchasing.ufl.edu).

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, [purchasing@ufl.edu](mailto:purchasing@ufl.edu) or (352)392-1331 within three (3) days of the event.

#### Notice of Bid/Request for Proposal

##### NOTICE TO DESIGN/BUILDER:

The University of Florida Board of Trustees announces that Design/Build services will be required for the project listed below:

Project: UAA-21, STADIUM 3RD AND 4TH FLOORS RENOVATION

The project consists of renovation of 33,500 square feet of office spaces located on the 3rd and 4th floors at Stadium West. The renovation includes HVAC and fire sprinkler systems, electrical and ADA upgrading all the interior space for the project scope.

The total project budget to be determined. Construction shall be “fast-tracked”. Silver LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is required.

The contract for design/build services will consist of two parts. Part one services include design, construction administration, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) proposal based on 60% Construction Documents, for which the design/build will be paid a fixed fee.

If the GMP is accepted, part two, the construction phase, will be implemented. In part two of the contract, the design/build becomes the single point of responsibility for completion of the construction documents, performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for part one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design/build’s contract.

Blanket design professional liability insurance will be required for this project in the amount of \$2,000,000.00, and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design and construction ability, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide design/build services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 40 single-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant’s understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.

3. A completed, project-specific "Design/Builder Qualifications Supplement" (DBQS) proposal. Applications on any other form will not be considered.
4. Resumes, copies of the applicant's contracting license, current Professional Registration Certificate(s) from the appropriate governing board, corporate charter(s) if applicable, proof of bonding capacity, and other pertinent credentials.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida; must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design/builder must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific DBQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Construction Standards, standard University of Florida Owner-Design/Builder agreement, and other project and process information can be found on the Facilities Planning and Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (Local Time), on Friday, November 9, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction  
 232 Stadium / P. O. Box 115050  
 Gainesville, FL 32611-5050  
 Telephone: (352)392-1256; Fax: (352)392-6378  
 Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

#### NOTICE TO CONSTRUCTION MANAGERS

Florida A&M University (FAMU), announces that construction management services will be required for: Project No.: FM-316, Gore Education Complex Remodeling, Florida A&M University, Tallahassee, Florida

This project consists of renovations to the existing Gore Education Complex, a 71,366 gsf four-story facility constructed in 1968 and renovated (\$1,200,000) in 1988, which houses the college of Education, School of General Studies and various departments of the College of Arts and Sciences. The scope of renovation includes but is not limited to, restoration of the building's envelope, replacement of the building's plumbing and air conditioning system, replacement of the electrical wiring (electrical upgrades), complete roof replacement, asbestos abatement, correction of life safety, ADA standards, and technology upgrades. Upgrading of existing teaching pool located on an adjacent site.

The site is surrounded by a remarkably diverse representation of architectural styles in the presence of Sunshine Manor, Tucker Hall, Carnegie Library, Coleman Library, and quadrangle which are a portion of the National Historic District. Consideration should be given to site design improvements and how this addition relates to Florida A&M University's National Historical District.

The estimated construction budget is \$15,140,478.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program, the latest documentation prepared by the project architect/engineer and a description of the final interview requirements. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed FAMU "Construction Manager Qualifications

Supplement.” Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The FAMU Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting Samuel Houston, Director of Planning, Office of Facilities Planning and Construction by e-mail: samuel.houston@famuedu and/or phone (850)599-8001, Fax (850)561-2289.

Eight (8) ring, comb or coil/spiral (no hard, solid or tack) bound copies of the required proposal data shall be submitted to: Samuel J. Houston, Director of Planning, Office of Facilities Planning and Construction, Florida A&M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307.

Submittals must be received in the Facilities Planning and Construction Office by 12:00 p.m. (Noon) local time, November 21, 2007. Facsimile (FAX) or E-Mail submittals are not acceptable and will not be considered.

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#### NOTICE TO CONSTRUCTION MANAGERS

Florida A&M University (FAMU), announces that construction management services will be required for: Project No.: FM-317, Tucker Hall Remodeling/Renovation, Florida A&M University, Tallahassee, Florida

This project consists of renovations to the existing Tucker Hall Building, a 77,536 gsf four-story facility constructed in 1956 with minor renovations (\$920,000) in 1977, which houses the following areas of the College of Arts and Sciences: office of the Dean, Economics, History/Political Science, Languages, and Literature. The scope of renovation includes but is not limited to, restoration of the building's envelope, replacement of the building's plumbing and air conditioning system, total replacement of electrical wiring, (electrical upgrade), complete roof replacement, asbestos abatement, structural systems

upgrades, and correction of life safety, renovation of offices, classrooms, the Charles Winterwood Theater, ADA standards, and technology upgrades.

The site is surrounded by a remarkably diverse representation of architectural styles in the presence of Sunshine Manor, Tucker Hall, Carnegie Library, Coleman Library and quadrangle which are a portion of the National Historic District. Consideration should be given to site design improvements and how this addition relates to Florida A&M University's National Historical District.

The estimated construction budget is \$19,255,400.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at the 75% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program, the latest documentation prepared by the project architect/engineer and a description of the final interview requirements. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for this project shall submit a letter of application and a completed FAMU "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of

Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The FAMU Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Samuel Houston, Director of Planning, Office of Facilities Planning and Construction by e-mail: samuel.houston@famuedu and/or phone (850)599-8001, Fax (850)561-2289.

Eight (8) ring, comb or coil/spiral (no hard, solid or tack) bound copies of the required proposal data shall be submitted to: Samuel J. Houston, Director of Planning, Office of Facilities Planning and Construction, Florida A&M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307.

Submittals must be received in the FAMU Facilities Planning and Construction Office by 12:00 p.m. (Noon) local time, November 21, 2007. Facsimile (FAX) or e-mail submittals are not acceptable and will not be considered.

**NOTICE TO PROFESSIONAL CONSULTANTS (CIVIL ENGINEERS)**

Florida A&M University (FAMU), announces that continuing professional services for certain projects are required in the following discipline: Civil Engineering

Projects included in the scope of this agreement will be specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for Continuing Contract projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1 – June 30. The consultant receiving the award will not have an exclusive contract to perform services for these project. The University may have additional campus service professionals under contract during the same time period.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed "Professional Qualifications Supplement" (PQS); form is to be obtained from the FAMU Facilities Planning & Construction Office. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit Eight (8) ring, comb or spiral (no hard, solid or tack) bound copies of the requested data in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Professional Qualification Supplements and selection criteria may be obtained by contacting: Sam Houston, Planning Director, Facilities Planning and Construction Office, e-mail: samuel.houston@famuedu, (805)599-8001, or by Faxing a request to (850)561-2289.

Submittals must be received in the office of Facilities Planning and Construction, Florida A&M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, Attn: Samuel J. Houston, Planning Director, by 12:00 p.m. (Noon) local time, on November 9, 2007. Facsimile (FAX) or e-mail submittals are not acceptable and will not be considered.

**NOTICE TO PROFESSIONAL CONSULTANTS**

Florida Gulf Coast University Board of Trustees, announces that Professional Services in the discipline of engineering will be required for the project listed below:

Project No. BR-1061

Project and Location: Central Energy Plant-Expansion 2  
Fort Myers, Florida

**Description of Project**

This project pertains to the updating/expansion of Central Energy Plant equipment. It is not thought to include an expansion of the CEP Building. The project scope will include the development of construction documents for the addition of approximately a 1,500 ton high efficiency chiller and additional ice tanks, with the exact size to be determined later, replacement of existing cooling towers, related piping insulation, rigging, chemical treatment and temperature control work.

The project will utilize the Public Open Bid method for delivery of construction.

The selected firm will provide design, construction documents, and administration services for the referenced project. The estimated cost of construction for the project is approximately \$2,000,000 and the total project budget is \$2,800,000.

Instructions:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached the following:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September 1999. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontract, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Mr. Jack Fenwick, Director of Facility Planning, 10501 FGCU Blvd., South Fort Myers, Florida 33965-6565, (239)590-1500, Fax (239)590-1505

Submittals must be received in the Facilities Planning Office, by 3:00 p.m. (Local Time), on November 13, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

Invitation To Bid  
For a General Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, 5th Floor, Room 513D, 1701 Prudential Drive, Jacksonville, Florida.

BIDS ARE DUE ON OR BEFORE November 13, 2007  
AND WILL BE ACCEPTED UNTIL 2:00 p.m.

OFFICIAL PROJECT TITLE: Hurricane Grant DCPS  
PROJECT NO. F-10086

SCOPE OF WORK: To furnish and install all Hurricane Shelter protection as required by the specifications at SABAL PALM ELEMENTARY NO. 239 AND MANDARIN OAKS ELEMENTARY NO. 258. The Budgeted and Not to Exceed Construction Cost is \$175,980.00

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on October 30, 2007, 10:00 a.m., Room 513D, 1701 Prudential Drive Jacksonville, FL 32207. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$35.00 and Non-refundable fee of \$25.00 at the office of: Baker Klein Engineering, P.L., 1628 San Marco Blvd., Suite 13, Jacksonville, FL 32207

DCSB Point of Contact: Alonza Anderson at (904)390-2504

Contract documents for bidding may be examined at: Baker Klein Engineering P.L., 1628 San Marco Blvd., Suite 13, Jacksonville, FL 32207

MBE Participation Goal: Encouragement

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000.00 and electrical projects exceeding \$50,000.00 Effective May 31, 2003, all Contractors submitting bids must be prequalified with Duval County Public Schools. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan, 1701 Prudential Dr., Jacksonville, FL 32207, (904)390-2358 or (904)390-2922, Fax (904)390-2265, Email: beaudoinr@dreamsbeginhere.org or Faganr@dreamsbeginhere.org.

The Bid Award Recommendation will be posted on the First Floor bulletin board, Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

Invitation To Bid  
For a General Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207, until the time and date(s) recorded below and immediately thereafter publicly opened and

recorded in the Duval County Public Schools, School Board Building, 15th Floor, Room 513D, 1701 Prudential Drive, Jacksonville, Florida.

BIDS ARE DUE ON OR BEFORE November 13, 2007 AND WILL BE ACCEPTED UNTIL 2:00 p.m.

OFFICIAL PROJECT TITLE: Hurricane Grant DCPS PROJECT NO. F-10086

SCOPE OF WORK: To furnish and install all Hurricane Shelter protection as required by the specifications at ABESS PARK ELEMENTARY NO. 263 AND CHETS CREEK ELEMENTARY NO. 264. The Budgeted and Not to Exceed Construction Cost is \$152,768.00.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on October 30, 2007, 10:00 a.m., 513D, 1701 Prudential Drive Jacksonville, FL 32207. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$35.00 and a Non-refundable fee of \$25.00 at the office of: Baker Klein Engineering, P.L., 1628 San Marco Blvd., Suite 13, Jacksonville, FL 32207

DCSB Point of Contact: Alonza Anderson at (904)390-2504

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Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan at 1701 Prudential Dr., Jacksonville, FL 32207, (904)390-2358 or (904)390-2922, Fax (904)390-2265, email: beaudoinr@educationcentral.org or Faganr@educationcentral.org.

The Bid Award Recommendation will be posted on the First Floor bulletin board, Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

**NOTICE TO PROFESSIONAL CONSULTANTS**

**Request for Qualifications (RFQ)**

**Professional Services – Architect/Engineering Services**

The Office of Facilities Design and Construction announces that Architect/Engineer services are required for a project entitled Conversion of Existing Darnell Cookman Middle School No. 145 into a Medical Academy for Grades 6-12/DCSB Project No. C-91160 for Duval County Public Schools. The firm selected will be responsible for design, bid review and construction administration for this project. The construction not to exceed budget of \$16,874,000.00.

The project scope shall consist of architectural and engineering services for a new 500 student station high school wing, remodel of cafeteria, media, renovation of existing science labs, locker rooms and other various spaces including but not limited to Administration, bus and parent pick up and athletic area. Project delivery will be Design/CM.

Applications are to be sent to:

Duval County Public Schools  
Facilities Design and Construction  
1701 Prudential Drive – 5th Floor  
Jacksonville, FL 32207-8182

PROJECT MANAGER: Tony M. Gimenez

PHONE NO.: (904)390-2279

RESPONSE DUE DATE: RFQ's ARE DUE ON OR BEFORE NOVEMBER 13, 2007

MBE GOALS: 15% Overall

Information on the selection process can be found at [www.dreamsbeginhere.org](http://www.dreamsbeginhere.org) go to about dcps, then dcps departments, then facilities design and construction then Selection Booklets.

Applicants are advised that all plans, drawings and specifications for this project may be reused by the Owner as a prototype for future projects in the District.

**DEPARTMENT OF REVENUE**

**REQUEST FOR PROPOSAL**

RFP # 07/08-12

**CAMS Independent Validation and Verification Services**

The Florida Department of Revenue (FDOR) is releasing a Request for Proposals (RFP) for Independent Validation and Verification Services for Phase II of the CSE Automated Management System (CAMS). To obtain a copy of the FDOR RFP #07/08-12 go to the State of Florida, Vendor Bid System (VBS) at <http://vbs.dms.state.fl.us/vbs/>. Questions concerning this solicitation are to be directed to Barbara Phillips, FDOR Purchasing Office at (850)488-2625.



The anticipated posting date of RFP #07/08-12 on the VBS is October 3, 2007.

- This procurement document is subject to review and modification by the Department of Health and Human Services, Agency for Children and Families, Office of Child Support Enforcement.
- This procurement is subject to the procurement and protest provisions contained in Section 287.057, Florida Statutes.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**REGIONAL PLANNING COUNCILS**

Request for Proposal

The East Central Florida Regional Planning Council is seeking proposals from qualified firms to develop an evacuation plan, a post-disaster recovery plan, and a training and exercise plan that includes a Table-top exercise for the Orlando Metro Area in accordance with the Urban Area Security Initiative and the Scopes of Work. Firms may apply for any or all of the proposals. Preference will be given to Florida-based firms with local, regional and state experience in the emergency management, planning and training fields.

For more information please see the Council's website at [www.ecfrpc.org](http://www.ecfrpc.org). All questions should be submitted via e-mail only to April Raulerson, project manager, at [araulerson@ecfrpc.org](mailto:araulerson@ecfrpc.org) until October 25, 2007. Proposals will be received by the Council until 4:00 p.m., November 2, 2007.

The East Central Florida Regional Planning Council reserves the right to reject any and all proposals.

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE FOR PROFESSIONAL SERVICES  
 DIVISION OF REAL ESTATE DEVELOPMENT AND  
 MANAGEMENT  
 PUBLIC ANNOUNCEMENT FOR MECHANICAL  
 ENGINEERING SERVICES

The Department of Management Services (DMS), Division of Real Estate Development and Management, requests professional Mechanical Engineering services for the project listed below.

PROJECT NUMBER: MSFM-27009004

PROJECT NAME: Chiller Replacements at Turlington Building

PROJECT LOCATION: Tallahassee, Florida

SERVICES TO BE PROVIDED: Mechanical Engineering for commissioning, design, contract documents, bidding and construction administration for chiller replacement, with other modernization of building components.

ESTIMATED CONSTRUCTION BUDGET: \$1,000,000.00

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Real Estate Development and Management." [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE OF INVITATION TO BID

BID NO. BDC 20-07/08

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Grayton Beach State Park-Park Improvements

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to successfully construct a new ranger station, new bathhouse and campground improvements. Construction shall include but not be limited to site work, walkways and modification of the existing infrastructure, water, power and sewer hook-up for the campground and new facilities.

PARK LOCATION: Grayton Beach State Park-on County Road 30A south of US 98, address, 357 Main Park Road, Santa Rosa Beach, Florida

PROJECT MANAGER: Fred Hand, Bureau of Design and Construction, Alfred B Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida, Telephone Number: (850)488-5372, Fax Number: (850)488-1141.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose bid is governed by Chapters 399, 489, and 633 of the Florida Statutes

for licensure or certification must submit prequalification data of their eligibility in accordance with Chapter 60D-5, Florida Administrative Code prior to the bid closing date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on October 12, 2007, at: Grayton Beach State Park, 357 Main Park Road, Santa Rosa Beach, Florida 32459, Attention: Dale Shingler, Telephone Number: (850)231-4210, Fax Number: (850)231-1879.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m., Tuesday, November 13, 2007 to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida 32309, attention Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

**THIRD DISTRICT COURT OF APPEAL**

**INVITATION TO BID**

PURSUANT TO SECTION 287.057, F.S., SEALED BIDS WILL BE RECEIVED BY THE THIRD DISTRICT COURT OF APPEAL, 2001 S. W. 117TH AVE., MIAMI, FL. 33175-1716, UNTIL 3:00 P.M., NOVEMBER 30, 2007, FOR THE SELECTION OF A CONTRACTOR SUPPLYING ALL LABOR AND MATERIALS REQUIRED FOR THE REMOVAL, ACQUISITION AND INSTALLATION OF CONSTANTINE CARPET WITHIN THE CLERK’S OFFICE, LAWYERS LOUNGE AND OFFICE SUITES/COMMON AREAS OF THE COURTHOUSE ANNEX BUILDING, PROJECT NUMBER 07-002. SCOPE OF WORK AND CONTRACTOR REQUIREMENTS ARE LOCATED AT [WWW.3DCA.FLCOURTS.ORG](http://WWW.3DCA.FLCOURTS.ORG). ADDITIONAL INFORMATION MAY BE OBTAINED FROM THE MARSHAL’S OFFICE AT (305)229-3200, EXT. 3234. AMERICANS WITH DISABILITY ACT OF 1991 – CONTACT THE MARSHAL’S OFFICE IF SPECIAL ACCOMMODATIONS ARE NEEDED IN ORDER TO ATTEND THE PRE-PROPOSAL CONFERENCE.

**DAYTONA BEACH COMMUNITY COLLEGE**

**Notice of Bid/Request for Proposal  
for Architectural Services – RFP 08-003**

Pursuant to the provisions of Section 287.055, Florida Statutes, the “Consultants’ Competitive Negotiations Act”, Daytona Beach Community College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for small project architectural and/or engineering services.

Provide design services as requested by Daytona Beach Community College for projects that do not exceed \$500,000.00 in estimated construction costs.

Firms or individuals with experience in designing for higher education facilities and desiring to qualify for consideration must submit proposals no later than 12:00 Noon, October 18, 2007 to: Mr. Steven D. Eckman, Director, Facilities Planning Department, Daytona Beach Community College, 1200 West International Speedway Boulevard, Building 540, Room 112, Daytona Beach, FL 32114. Interested parties may obtain information by contacting the DBCC Facilities Planning Department at (386)506-3139, by email to [EnglisS@dbcc.edu](mailto:EnglisS@dbcc.edu) or by visiting our website at [http://go.dbcc.edu/fp/new\\_proposal.html](http://go.dbcc.edu/fp/new_proposal.html)

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

Final Order # DCA07-OR-196

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA, VILLAGE OF  
ISLANDS  
ORDINANCE NO. 07-21

**FINAL ORDER**

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.052(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
- 2. On August 9, 2007, the Department received for review Islamorada, Village of Islands Ordinance No. 07-21 (“Ord. No. 07-21”) adopted by the Village on July 26, 2007.

3. The purpose of the Ordinance is to amend Article 7 Environmental Regulations, Chapter 30 of the Land Development Regulations concerning Historic and Archaeological Sites and to assist Islamorada in achieving designation as a Certified Local Government, a program administered by the U.S. Department of Interior which enables communities to have a more direct part in both state and federal preservation programs and to secure financial assistance for preservation of historic resources.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
5. Islamorada, Village of Islands is a local government with in the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 07-21 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2006). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 07-21 promotes and furthers the following Principles:
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
  - (g) To protect the historical heritage of the Florida Keys.
9. Ord. 07-21 is not inconsistent with the remaining Principles. Ord. 07-21 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 07-21 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21

CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CHARLES GAUTHIER, AICP  
Director, Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 3rd day of October, 2007.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Dave Boerner, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
James White, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
Final Order # DCA07-OR-197  
In Re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE  
COUNTY  
ORDINANCE NO. 038-2007

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
- 2. On August 29, 2007, the Department received for review Monroe County Ordinance No. 038-2007 (“Ord. 038-2007”), adopted by Monroe County on July 18, 2007.
- 3. The purpose of the Ordinance is to adopt a temporary six month moratorium on the acceptance of development applications for the redevelopment of mobile home parks to allow the County to develop policies and regulations to assist in the preservation of existing affordable housing.

CONCLUSIONS OF LAW

- 4. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
- 5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
- 6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 038-2007 are land development regulations.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 038-2007 promotes and furthers the following Principles:
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
  - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
9. Ord. 038-2007 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 038-2007 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 CHARLES GAUTHIER, AICP  
 Director, Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES,

AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY

RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

#### CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 3rd day of October, 2007.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Mario Di Gennaro  
Mayor of Monroe County  
Florida Keys Marathon Airport  
9400 Overseas Highway, Suite 210  
Key West, Florida 33050

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Andrew Trivette, Director  
Planning and Environmental Resources  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

#### DEPARTMENT OF REVENUE

Section 202.22(2), F.S., requires the Department of Revenue to create and maintain an electronic situsing database that assigns customer service addresses to local taxing jurisdictions for purposes of the communications services tax. The update to the database, as posted on October 3, 2007, becomes effective on January 1, 2008. The situsing database can be accessed at <http://geotax.state.fl.us>. The next update to the database will be effective July 1, 2008, and is required to be posted 90 days in advance of the effective date. Local governments are required to submit changes and additions for inclusion in the July 1, 2008, update no later than March 3, 2008. Additional information concerning procedures for requesting changes and additions to the database is available from the Department of Revenue Communications Services Tax Local Government Unit by telephone at (850)921-9181 (Suncom 291-9181) or by

e-mail at [cs-tax@dor.state.fl.us](mailto:cs-tax@dor.state.fl.us). Persons with hearing or speech impairments may call the TDD line at 1(800)367-8331 or (850)922-1115 (Suncom 292-1115).

#### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Vento North America, LLC, intends to allow the establishment of Clifton Waring d/b/a Scooter King Motorsports, as a dealership for the sale of Jialing (JIAL) and Qianjiang (QIAN) motorcycles at 602 South State Street, Bunnell (Flagler County), Florida 32110, on or after August 30, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Clifton Waring d/b/a Scooter King Motorsports are dealer operator(s): Clifton Waring, 602 South State Street, Bunnell, Florida 32110; principal investor(s): Clifton Waring, 602 South State Street, Bunnell, Florida 32110.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Alma Gonzalez, Vento North America, 6190 Cornerstone Court E, Suite #200, San Diego, California 92121.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of House of Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Deceleste, S.A. (DECE) motorcycles at 1313-1315 North State Road #7, Hollywood (Broward County), Florida 33021, on or after September 27, 2007.

The name and address of the dealer operator(s) and principal investor(s) of House of Scooters, Inc. are dealer operator(s): Orestes Nunez, 1313-1315 State North Road #7, Hollywood, Florida 33021; principal investor(s): Orestes Nunez, 1313-1315 State North Road #7, Hollywood, Florida 33021.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Chuanl USA Co. Ltd., intends to allow the establishment of Izzy Custom Vehicle, Inc. d/b/a Izzy Custom Vehicle & Scooters, as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 10173 Highway 441 North, Okeechobee (Okeechobee County), Florida 34972, on or after September 26, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Izzy Custom Vehicle, Inc. d/b/a Izzy Custom Vehicle & Scooters are dealer operator(s): Anton Gonzalez, 10520 Southwest Whooping Crane Way, Palm City, Florida 34990; principal investor(s): Anton Gonzalez, 10520 Southwest Whooping Crane Way, Palm City, Florida 34990.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Cynthia Booker, Chuanl Motorcycle USA Co. Ltd., 9886 Chartwell Drive, Dallas, Texas 75243.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Vento North America, LLC, intends to allow the establishment of Lovecchio Richard M/RML Automotive, Inc., as a dealership for the sale of Jialing (JIAL) and Qianjiang (QIAN) motorcycles at 4109 Oriole Avenue, Daytona Beach (Volusia County), Florida 32114, on or after August 30, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Lovecchio Richard M/RML Automotive, Inc. are dealer operator(s): Richard M. Lovecchio, 510 Ballough Road, Daytona, Florida 32114; principal investor(s): Richard M. Lovecchio, 510 Ballough Road, Daytona, Florida 32114.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Alma Gonzalez, Vento North America, 6190 Cornerstone Court, East, Suite #200, San Diego, California 92121.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Whizzer USA, Inc., intends to allow the establishment of Minibikes of Florida, Inc., as a dealership for the sale of Whizzer (WHZR) motorcycles at 2200 U.S. Highway 301 North, Palmetto, (Manatee County), Florida 34221, on or after September 25, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Minibikes of Florida, Inc. are dealer operator(s): Mark Cannon, 2200 U.S. Highway 301 North, Palmetto, Florida 34221; principal investor(s): Mark Cannon, 2200 U.S. Highway 301 North, Palmetto, Florida 34221.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Debra D. La Lone, President, Whizzer USA, Inc., 1400 Vantage Drive, Carrollton, Texas 75006.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Vento North America, LLC, intends to allow the establishment of Mobility Tech, Inc. d/b/a Charlie's Scooter Depot, as a dealership for the sale of Jialing (JIAL) and Qianjiang (QIAN) motorcycles at 5720 North Florida Avenue, Unit 2, Tampa (Hillsborough County), Florida 33604, on or after October 27, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Mobility Tech, Inc. d/b/a Charlie's Scooter Depot are dealer operator(s): Carlos Urbizu, 5720 North Florida Avenue, Unit 2, Tampa, Florida 33604; principal investor(s): Carlos Urbizu, 5720 North Florida Avenue, Unit 2, Tampa, Florida 33604.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Alma Gonzalez, Vento North America, 6190 Cornerstone Court, East, Suite #200, San Diego, California 92121.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Kia Motors America, Inc., intends to allow the establishment of Sunset Dodge, Inc., as a dealership for the



sale of Kia vehicles (KIA) at 7576 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after November 15, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Sunset Dodge, Inc. are dealer operator(s): Donald E. Osborne, 1542 Dove Pointe, Osprey, Florida 34229; principal investor(s): Robert W. Geyer, 1220 North Lakeshore Drive, Sarasota, Florida 34231.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Lainy Campbell, Kia Motors America, Inc., Southern Region, 100 Galleria Parkway, Suite 1550, Atlanta, Georgia 30339-5959.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Thug Custom Cycles, LLC, intends to allow the establishment of Thunder Cycles Designs, Inc., as a dealership for the sale of Thug Custom motorcycles (THUG) at 550 West Sunrise Boulevard, Fort Lauderdale (Broward County), Florida 33311, on or after September 20, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Thug Custom Cycles, LLC are dealer operator(s): Eddie Trotta, 550 West Sunrise Boulevard, Fort Lauderdale, Florida 33311; principal investor(s): Eddie Trotta, 550 West Sunrise Boulevard, Fort Lauderdale, Florida 33311.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Rebecca Leroy, Thug Custom Cycles, LLC, 345A South State Road 7, Plantation, Florida 33317.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Isuzu Commercial Truck of America, Inc., intends to allow the establishment of Tom Nehl GMC Truck Co., as a dealership for the sale of Isuzu trucks (ISU) at 383 Southwest Arrowhead Terrace, Lake City (Columbia County), Florida 32024, on or after October 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Tom Nehl GMC Truck Co. are dealer operator(s): Steven Nicholas Bacalis, 952 Sorrento Road, Jacksonville, Florida 32207; principal investor(s): Steven Nicholas Bacalis, 952 Sorrento Road, Jacksonville, Florida 32207.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Russ Sims, Isuzu Commercial Truck of America, Inc., 13340 183rd Street, Cerritos, California 90702-6007.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Pacific Cycle, Inc., intends to allow the establishment of Tri-County Cycle, Inc. d/b/a Leesburg Powersports, as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 1007 South 14th Street, Leesburg, (Lake County), Florida 34748, on or after October 2, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Tri-County Cycle, Inc. d/b/a Leesburg Powersports are dealer operator(s): Judith Kyle, 30219 Johnsons Point Road, Leesburg, Florida 34748; principal investor(s): Judith Kyle, 30219 Johnsons Point Road, Leesburg, Florida 34748.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mike Wolgram, Pacific Cycle, Inc., 4902 Hammersley Road, Madison, Wisconsin 53711.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Lotus Cars USA, Inc., intends to allow the establishment of Ultimate Motors, Inc. d/b/a Lotus of Pompano, as a dealership for the sale of Lotus automobiles (LOTU) at 500 North Federal Highway, Pompano Beach (Broward County), Florida 33062, on or after November 15, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Ultimate Motors, Inc. d/b/a Lotus of Pompano are dealer operator(s): Michael Gordon, 500 North Federal Highway, Pompano Beach, Florida 33062; principal investor(s): Michael Gordon, 500 North Federal Highway, Pompano Beach, Florida 33062.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Erik van Dyck, Lotus Cars USA, Inc., 2236 Northmont Parkway, Duluth, Georgia 30096.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**STATE BOARD OF ADMINISTRATION**

**FLORIDA PREPAID COLLEGE BOARD**

Notice of 2007-2008 Florida Prepaid College Plan

Advance Payment Contract Prices

The Florida Prepaid College Board hereby gives notice of the adoption at a duly called meeting on September 5, 2007, of the 2007-2008 advance payment contract prices for the Florida Prepaid College Plan.

9	2011	\$9,899.18	\$249.27	
8	2012	\$9,986.41	\$200.91	\$200.91
7	2013	\$10,070.63	\$170.21	\$202.60
6	2014	\$10,144.22	\$148.86	\$204.08
5	2015	\$10,210.28	\$133.20	\$205.41
4	2016	\$10,272.64	\$121.25	\$206.67
3	2017	\$10,321.16	\$111.74	\$207.64
2	2018	\$10,369.31	\$104.11	\$208.61
1	2019	\$10,430.00	\$97.99	\$209.83
K	2020	\$10,500.30	\$93.00	\$211.25
Age 4	2021	\$10,581.12	\$88.91	\$212.87
Age 3	2022	\$10,682.74	\$85.61	\$214.92
Age 2	2023	\$10,797.67	\$82.88	\$217.23
Age 1	2024	\$10,931.37	\$80.69	\$219.92
Infant	2025	\$11,087.29	\$78.96	\$223.06
Newborn	2026	\$11,249.91	\$77.51	\$226.33

**PREPAID TUITION CONTRACT  
STATE UNIVERSITY – FOUR YEARS**

**PRICE SCHEDULE FOR 2007/2008 ENROLLMENT**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2008	\$11,062.45	\$1,599.60	
11	2009	\$11,245.14	\$613.00	
10	2010	\$11,418.70	\$390.23	
9	2011	\$11,574.41	\$291.45	
8	2012	\$11,702.03	\$235.42	\$235.42
7	2013	\$11,825.28	\$199.87	\$237.90
6	2014	\$11,934.90	\$175.14	\$240.11
5	2015	\$12,037.70	\$157.05	\$242.18
4	2016	\$12,136.26	\$143.25	\$244.16
3	2017	\$12,218.70	\$132.28	\$245.82
2	2018	\$12,300.44	\$123.49	\$247.46
1	2019	\$12,392.37	\$116.42	\$249.31
K	2020	\$12,494.40	\$110.66	\$251.36
Age 4	2021	\$12,612.99	\$105.98	\$253.75
Age 3	2022	\$12,755.61	\$102.22	\$256.62
Age 2	2023	\$12,911.35	\$99.11	\$259.75
Age 1	2024	\$13,091.19	\$96.63	\$263.37
Infant	2025	\$13,298.56	\$94.70	\$267.54
Newborn	2026	\$13,516.27	\$93.12	\$271.92

**PREPAID TUITION CONTRACT  
COMMUNITY COLLEGE – TWO YEARS**

**PRICE SCHEDULE FOR 2007/2008 ENROLLMENT**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2008	\$3,896.41	\$563.41	
11	2009	\$3,944.82	\$215.04	
10	2010	\$3,998.27	\$136.64	
9	2011	\$4,042.62	\$101.80	
8	2012	\$4,074.47	\$81.97	\$81.97
7	2013	\$4,101.91	\$69.33	\$82.52
6	2014	\$4,121.27	\$60.48	\$82.91
5	2015	\$4,141.31	\$54.03	\$83.32
4	2016	\$4,159.33	\$49.09	\$83.68
3	2017	\$4,171.44	\$45.16	\$83.92
2	2018	\$4,182.18	\$41.99	\$84.14
1	2019	\$4,187.36	\$39.34	\$84.24
K	2020	\$4,193.03	\$37.14	\$84.36
Age 4	2021	\$4,210.78	\$35.38	\$84.71
Age 3	2022	\$4,234.39	\$33.93	\$85.19
Age 2	2023	\$4,256.67	\$32.67	\$85.64
Age 1	2024	\$4,288.53	\$31.65	\$86.28
Infant	2025	\$4,329.73	\$30.83	\$87.11
Newborn	2026	\$4,376.48	\$30.15	\$88.05

**PREPAID TUITION CONTRACT  
TWO YEAR COMMUNITY COLLEGE  
PLUS TWO YEARS STATE UNIVERSITY**

**PRICE SCHEDULE FOR 2007/2008 ENROLLMENT**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2008	\$9,525.03	\$1,377.29	
11	2009	\$9,662.67	\$526.74	
10	2010	\$9,788.35	\$334.51	

**PREPAID TUITION CONTRACT  
COMMUNITY COLLEGE – TWO YEARS  
FOUNDATION SCHOLARSHIP  
PRICE SCHEDULE FOR 2007/2008 ENROLLMENT**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2008	\$4,675.69	\$676.09	
11	2009	\$4,733.78	\$258.05	
10	2010	\$4,797.92	\$163.97	
9	2011	\$4,851.14	\$122.15	
8	2012	\$4,889.36	\$98.36	\$98.36
7	2013	\$4,922.29	\$83.20	\$99.03
6	2014	\$4,945.52	\$72.57	\$99.49
5	2015	\$4,969.57	\$64.83	\$99.98
4	2016	\$4,991.20	\$58.91	\$100.41
3	2017	\$5,005.73	\$54.19	\$100.71
2	2018	\$5,018.62	\$50.39	\$100.97
1	2019	\$5,024.83	\$47.21	\$101.09
K	2020	\$5,031.64	\$44.57	\$101.23
Age 4	2021	\$5,052.94	\$42.46	\$101.66
Age 3	2022	\$5,081.27	\$40.72	\$102.23
Age 2	2023	\$5,108.00	\$39.21	\$102.76
Age 1	2024	\$5,146.24	\$37.99	\$103.53
Infant	2025	\$5,195.68	\$37.00	\$104.53
Newborn	2026	\$5,251.78	\$36.18	\$105.66

5	2015	\$4,109.14	\$53.61	\$82.67
4	2016	\$4,142.79	\$48.90	\$83.35
3	2017	\$4,170.93	\$45.15	\$83.91
2	2018	\$4,198.83	\$42.16	\$84.47
1	2019	\$4,230.21	\$39.74	\$85.10
K	2020	\$4,265.04	\$37.78	\$85.80
Age 4	2021	\$4,305.52	\$36.18	\$86.62
Age 3	2022	\$4,354.21	\$34.89	\$87.60
Age 2	2023	\$4,407.37	\$33.83	\$88.67
Age 1	2024	\$4,468.76	\$32.99	\$89.90
Infant	2025	\$4,539.55	\$32.33	\$91.33
Newborn	2026	\$4,613.86	\$31.79	\$92.82

**TUITION DIFFERENTIAL CONTRACT  
TWO YEAR COMMUNITY COLLEGE  
PLUS TWO YEARS STATE UNIVERSITY  
PRICE SCHEDULE FOR 2007/2008 ENROLLMENT**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2008			
11	2009			
10	2010			
9	2011			
8	2012	\$2,018.08	\$40.60	\$40.60
7	2013	\$2,037.46	\$34.44	\$40.99
6	2014	\$2,055.97	\$30.17	\$41.36
5	2015	\$2,071.68	\$27.03	\$41.68
4	2016	\$2,086.82	\$24.63	\$41.98
3	2017	\$2,099.25	\$22.73	\$42.23
2	2018	\$2,112.02	\$21.20	\$42.49
1	2019	\$2,130.97	\$20.02	\$42.87
K	2020	\$2,153.02	\$19.07	\$43.31
Age 4	2021	\$2,174.56	\$18.27	\$43.75
Age 3	2022	\$2,201.18	\$17.64	\$44.28
Age 2	2023	\$2,232.81	\$17.14	\$44.92
Age 1	2024	\$2,267.57	\$16.74	\$45.62
Infant	2025	\$2,306.74	\$16.43	\$46.41
Newborn	2026	\$2,346.29	\$16.17	\$47.20

**TUITION DIFFERENTIAL CONTRACT  
STATE UNIVERSITY – FOUR YEARS  
PRICE SCHEDULE FOR 2007/2008 ENROLLMENT**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2008			
11	2009			
10	2010			
9	2011			
8	2012	\$3,994.56	\$80.36	\$80.36
7	2013	\$4,036.63	\$68.23	\$81.21
6	2014	\$4,074.05	\$59.79	\$81.96

PREPAID LOCAL FEE CONTRACT STATE UNIVERSITY – FOUR YEARS PRICE SCHEDULE FOR 2007/2008 ENROLLMENT					5	2015	\$1,985.92	\$26.17	\$40.29
Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan	4	2016	\$1,962.80	\$23.41	\$39.82
12	2008	\$3,246.44	\$469.43		3	2017	\$1,937.47	\$21.20	\$39.31
11	2009	\$3,253.64	\$177.36		2	2018	\$1,911.85	\$19.41	\$38.79
10	2010	\$3,257.44	\$111.32		1	2019	\$1,904.14	\$17.92	\$38.31
9	2011	\$3,255.51	\$82.40		K	2020	\$1,898.63	\$16.82	\$38.20
8	2012	\$3,269.63	\$66.34	\$66.34	Age 4	2021	\$1,893.65	\$15.91	\$38.10
7	2013	\$3,285.49	\$56.02	\$66.66	Age 3	2022	\$1,892.56	\$15.17	\$38.07
6	2014	\$3,280.67	\$48.60	\$66.56	Age 2	2023	\$1,894.60	\$14.54	\$38.12
5	2015	\$3,252.72	\$42.86	\$65.99	Age 1	2024	\$1,899.24	\$14.02	\$38.21
4	2016	\$3,219.16	\$38.39	\$65.31	Infant	2025	\$1,907.28	\$13.58	\$38.37
3	2017	\$3,180.81	\$34.81	\$64.54	Newborn	2026	\$1,915.62	\$13.20	\$38.54
2	2018	\$3,139.67	\$31.88	\$63.70	PREPAID LOCAL FEE CONTRACT COMMUNITY COLLEGE – TWO YEARS PRICE SCHEDULE FOR 2007/2008 ENROLLMENT				
1	2019	\$3,111.90	\$29.44	\$62.84					
K	2020	\$3,093.22	\$27.41	\$62.23					
Age 4	2021	\$3,078.57	\$25.87	\$61.94					
Age 3	2022	\$3,069.46	\$24.60	\$61.75					
Age 2	2023	\$3,063.09	\$23.51	\$61.62					
Age 1	2024	\$3,061.90	\$22.60	\$61.60					
Infant	2025	\$3,066.53	\$21.84	\$61.69					
Newborn	2026	\$3,072.79	\$21.17	\$61.82					
12	2008	\$335.14	\$48.49						
11	2009	\$337.94	\$18.47						
10	2010	\$342.41	\$11.71						
9	2011	\$346.21	\$8.74						
8	2012	\$348.94	\$7.04	\$7.04					
7	2013	\$351.29	\$5.96	\$7.09					
6	2014	\$352.95	\$5.20	\$7.12					
5	2015	\$354.66	\$4.64	\$7.14					
4	2016	\$356.21	\$4.21	\$7.17					
3	2017	\$357.24	\$3.88	\$7.19					
2	2018	\$358.16	\$3.60	\$7.21					
1	2019	\$358.61	\$3.37	\$7.21					
K	2020	\$359.09	\$3.18	\$7.22					
Age 4	2021	\$360.61	\$3.03	\$7.25					
Age 3	2022	\$362.64	\$2.91	\$7.30					
Age 2	2023	\$364.54	\$2.80	\$7.33					
Age 1	2024	\$367.27	\$2.71	\$7.39					
Infant	2025	\$370.80	\$2.64	\$7.46					
Newborn	2026	\$374.81	\$2.58	\$7.54					

PREPAID LOCAL FEE CONTRACT TWO YEAR COMMUNITY COLLEGE PLUS TWO YEARS STATE UNIVERSITY PRICE SCHEDULE FOR 2007/2008 ENROLLMENT				
Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2008	\$1,962.46	\$283.77	
11	2009	\$1,969.17	\$107.34	
10	2010	\$1,971.08	\$67.54	
9	2011	\$1,980.84	\$50.22	
8	2012	\$1,990.37	\$40.38	\$40.38
7	2013	\$1,998.51	\$34.08	\$40.55
6	2014	\$2,005.31	\$29.70	\$40.69

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan					
					5	2015	\$4,628.81	\$60.39	\$93.12
<b>PREPAID LOCAL FEE CONTRACT</b>					4	2016	\$4,654.02	\$54.93	\$93.63
<b>COMMUNITY COLLEGE – TWO YEARS</b>					3	2017	\$4,669.20	\$50.55	\$93.94
<b>FOUNDATION SCHOLARSHIP</b>					2	2018	\$4,681.16	\$47.00	\$94.18
<b>PRICE SCHEDULE FOR 2007/2008 ENROLLMENT</b>					1	2019	\$4,693.29	\$44.09	\$94.42
					K	2020	\$4,692.76	\$41.56	\$94.41
					Age 4	2021	\$4,706.01	\$39.54	\$94.68
12	2008	\$402.17	\$58.19		Age 3	2022	\$4,732.54	\$37.93	\$95.21
11	2009	\$405.53	\$22.16		Age 2	2023	\$4,758.94	\$36.53	\$95.74
10	2010	\$410.89	\$14.05		Age 1	2024	\$4,782.47	\$35.30	\$96.21
9	2011	\$415.45	\$10.48		Infant	2025	\$4,830.37	\$34.40	\$97.18
8	2012	\$418.73	\$8.45	\$8.45	Newborn	2026	\$4,874.82	\$33.59	\$98.07
7	2013	\$421.55	\$7.15	\$8.50					
6	2014	\$423.54	\$6.23	\$8.54					
5	2015	\$425.59	\$5.57	\$8.57					
4	2016	\$427.45	\$5.06	\$8.60					
3	2017	\$428.69	\$4.65	\$8.63					
2	2018	\$429.79	\$4.32	\$8.65					
1	2019	\$430.33	\$4.05	\$8.65					
K	2020	\$430.91	\$3.82	\$8.66					
Age 4	2021	\$432.73	\$3.64	\$8.70					
Age 3	2022	\$435.17	\$3.49	\$8.76					
Age 2	2023	\$437.45	\$3.36	\$8.80					
Age 1	2024	\$440.72	\$3.25	\$8.87					
Infant	2025	\$444.96	\$3.17	\$8.95					
Newborn	2026	\$449.77	\$3.10	\$9.05					
<b>PREPAID DORMITORY CONTRACT</b>									
<b>ONE YEAR</b>									
<b>PRICE SCHEDULE FOR 2007/2008 ENROLLMENT</b>									
Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan					
					12	2008	\$8,733.89	\$1,262.90	
					11	2009	\$8,842.41	\$482.02	
					10	2010	\$8,962.21	\$306.28	
					9	2011	\$9,061.62	\$228.18	
					8	2012	\$9,133.01	\$183.74	\$183.74
					7	2013	\$9,194.53	\$155.40	\$184.98
					6	2014	\$9,237.91	\$135.56	\$185.85
					5	2015	\$9,282.83	\$121.10	\$186.75
					4	2016	\$9,323.22	\$110.05	\$187.57
					3	2017	\$9,350.37	\$101.23	\$188.11
					2	2018	\$9,374.45	\$94.12	\$188.60
					1	2019	\$9,386.05	\$88.18	\$188.83
					K	2020	\$9,398.77	\$83.25	\$189.09
					Age 4	2021	\$9,438.55	\$79.31	\$189.89
					Age 3	2022	\$9,491.48	\$76.06	\$190.95
					Age 2	2023	\$9,541.41	\$73.24	\$191.96
					Age 1	2024	\$9,612.84	\$70.95	\$193.39
					Infant	2025	\$9,705.19	\$69.11	\$195.25
					Newborn	2026	\$9,809.98	\$67.59	\$197.36

PREPAID DORMITORY CONTRACT  
THREE YEARS

PRICE SCHEDULE FOR 2007/2008 ENROLLMENT

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2008	\$13,182.06	\$1,906.09	
11	2009	\$13,356.45	\$728.09	
10	2010	\$13,509.79	\$461.69	
9	2011	\$13,647.05	\$343.64	
8	2012	\$13,742.10	\$276.47	\$276.47
7	2013	\$13,823.34	\$233.64	\$278.10
6	2014	\$13,891.93	\$203.86	\$279.48
5	2015	\$13,952.04	\$182.02	\$280.69
4	2016	\$14,004.39	\$165.30	\$281.74
3	2017	\$14,043.65	\$152.04	\$282.53
2	2018	\$14,067.21	\$141.23	\$283.01
1	2019	\$14,092.06	\$132.39	\$283.51
K	2020	\$14,131.31	\$125.16	\$284.30
Age 4	2021	\$14,197.49	\$119.30	\$285.63
Age 3	2022	\$14,273.95	\$114.39	\$287.17
Age 2	2023	\$14,371.78	\$110.32	\$289.13
Age 1	2024	\$14,487.66	\$106.94	\$291.47
Infant	2025	\$14,640.36	\$104.26	\$294.54
Newborn	2026	\$14,807.37	\$102.02	\$297.90

PREPAID DORMITORY CONTRACT  
FOUR YEARS

PRICE SCHEDULE FOR 2007/2008 ENROLLMENT

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2008	\$17,696.10	\$2,558.81	
11	2009	\$17,904.03	\$975.99	
10	2010	\$18,095.21	\$618.40	
9	2011	\$18,256.14	\$459.70	
8	2012	\$18,370.92	\$369.59	\$369.59
7	2013	\$18,477.36	\$312.30	\$371.73
6	2014	\$18,561.13	\$272.38	\$373.42
5	2015	\$18,633.20	\$243.09	\$374.87
4	2016	\$18,697.67	\$220.70	\$376.16
3	2017	\$18,736.42	\$202.84	\$376.94
2	2018	\$18,773.22	\$188.48	\$377.68
1	2019	\$18,824.60	\$176.85	\$378.72
K	2020	\$18,890.25	\$167.31	\$380.04
Age 4	2021	\$18,979.96	\$159.48	\$381.84
Age 3	2022	\$19,104.32	\$153.10	\$384.34
Age 2	2023	\$19,246.60	\$147.74	\$387.21
Age 1	2024	\$19,422.82	\$143.37	\$390.75
Infant	2025	\$19,637.74	\$139.84	\$395.08
Newborn	2026	\$19,865.41	\$136.87	\$399.66

PREPAID DORMITORY CONTRACT  
FIVE YEARS

PRICE SCHEDULE FOR 2007/2008 ENROLLMENT

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2008	\$22,243.68	\$3,216.37	
11	2009	\$22,489.45	\$1,225.95	
10	2010	\$22,704.31	\$775.91	
9	2011	\$22,884.96	\$576.25	
8	2012	\$23,024.94	\$463.22	\$463.22
7	2013	\$23,146.56	\$391.22	\$465.67
6	2014	\$23,242.30	\$341.08	\$467.59
5	2015	\$23,326.49	\$304.32	\$469.29
4	2016	\$23,390.44	\$276.09	\$470.57
3	2017	\$23,442.43	\$253.79	\$471.62
2	2018	\$23,505.76	\$235.99	\$472.89
1	2019	\$23,583.54	\$221.56	\$474.46
K	2020	\$23,672.72	\$209.67	\$476.25
Age 4	2021	\$23,810.33	\$200.07	\$479.02
Age 3	2022	\$23,979.14	\$192.16	\$482.42
Age 2	2023	\$24,181.77	\$185.62	\$486.49
Age 1	2024	\$24,420.21	\$180.25	\$491.29
Infant	2025	\$24,695.78	\$175.86	\$496.83
Newborn	2026	\$24,987.72	\$172.16	\$502.71

Notice of 2007-2008 Contract Filing and Payment  
Due Dates for the Florida Prepaid College Plan

The Florida Prepaid College Board hereby gives notice that the enrollment period and contract filing dates for the 2007-2008 year are as follows for the Florida Prepaid College Plan:

October 15, 2007 – Beginning of 2007-2008 enrollment period.  
January 31, 2008 – Last day of 2007-2008 enrollment period.  
March 31, 2008 – Last day of contract change period.

Purchasers of Florida Prepaid College Plan advance payment contracts must have their application postmarked on or before January 31, 2008. All applications must be submitted to the following address: Florida Prepaid College Board, P. O. Box 6448, Tallahassee, Florida 32314-6448.

Applications for the Florida Prepaid College Plan must include one of the following non-refundable application fees:

- \$80, if the application is for the Florida Prepaid College Plan and the Florida College Investment Plan.

- \$50, if the application is only for the Florida Prepaid College Plan.
- \$30, if the purchaser named on the application has a Florida College Investment Plan for the same beneficiary.

Payments for the Florida Prepaid College Plan  
For Florida Prepaid College Plan applications received during the 2007-2008 enrollment period, payments may be made under any one of the following schedules:

- Lump-sum payments due in full on April 20, 2008;
- Monthly payments, beginning on April 20, 2008, and due on the 20th of each and every month thereafter until October of the anticipated enrollment year of the qualified beneficiary, as indicated on the application; or
- Fifty-five (55) month payment option beginning on April 20, 2008, and due on the 20th of each and every month thereafter for 55 continuous months.

An implied interest rate of 5.00 percent (weighted average using spot yield curve based on the July 31, 2007, U.S. Treasury curve) for the purchasers of the Florida Prepaid College Plan advance payment contracts during the 2007-2008 enrollment period has been calculated for the installment payment plans indicated above.

Persons whose substantial interests are affected by the 2007-2008 notice on contract filing and payment due dates may request an administrative hearing within 21 days of publication of this notice pursuant to Chapter 120, F.S.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on September 28, 2007, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Section 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)  
9983 Denial, establish a hospice program, Marion County, Odyssey Healthcare of Marion County, Inc., (PRH) same as applicant



- 9984 Denial, establish a hospice program, Pinellas County, Odyssey Healthcare of Pinellas County, Inc., (PRH) same as applicant
- 9985 Denial, establish a hospice program, Pinellas County, Vitas Healthcare Corporation of Florida, (PRH) same as applicant
- 9985 Supports denial, establish a hospice program, Pinellas County, Vitas Healthcare Corporation of Florida, (PRH) Odyssey Healthcare of Pinellas County, Inc.
- 9986 Denial, establish a hospice program, Hillsborough County, Odyssey Healthcare of Hillsborough County, Inc., (PRH) same as applicant
- 9987 Denial, establish a hospice program, Hillsborough County, Vitas Healthcare Corporation of Florida, (PRH) same as applicant
- 9987 Supports denial, establish a hospice program, Hillsborough County, Vitas Healthcare Corporation of Florida, (PRH) Odyssey Healthcare of Hillsborough County, Inc.
- 9988 Denial, establish a hospice program, Okeechobee County, Hospice of Okeechobee, Inc., (PRH) same as applicant

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**Florida Finding of No Significant Impact**

The Florida Department of Environmental Protection has determined that the Town of Yankeetown project for the construction of a 0.432 MGD Water Treatment Plant consisting of a source water supply, pre-treatment processing, resin processing, membrane processing, post-treatment processing, and concentrate disposal will not adversely affect the environment. The Clearinghouse SAI number for this project is FL200604072136C. The total cost of the project is estimated to be \$4,470,400. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Paul Brandl, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8373.

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**FLORIDA STATE CLEARINGHOUSE**

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments, deadlines and the address for providing comments are available at [http://www.dep.state.fl.us/secretary/oip/state\\_clearing/](http://www.dep.state.fl.us/secretary/oip/state_clearing/).

For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

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**DEPARTMENT OF HEALTH**

On October 1, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of William John Johns, III, M.D., license number ME 87813. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On September 25, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Donna L. Conroy Bennett, R.N., license number RN 2040422. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On September 25, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Karen Carter, C.N.A., license number CNA 69067. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On October 1, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Kathleen Anne Cole, R.N., license number RN 2803232. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary

determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On October 1, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Colby Steven Harper, R.N., license number RN 3055372. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On October 1, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Michelle L. Harris, C.N.A., license number CNA 98444. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On October 1, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Elizabeth Daniel Hope, L.P.N., license number PN 5171846. This Emergency Suspension Order was predicated upon the

Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 2, 2007):

**APPLICATION TO MERGE**

Constituent Institutions: First Florida Credit Union, Jacksonville, Florida and Department of Highway Safety & Motor Vehicles Credit Union, Tallahassee, Florida  
Resulting Institution: First Florida Credit Union  
Received: September 28, 2007

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

					Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
RULES FILED BETWEEN September 24, 2007 and September 28, 2007					62-602.230	9/25/07	10/15/07	33/20	
					62-602.250	9/25/07	10/15/07	33/20	
					62-602.270	9/25/07	10/15/07	33/20	33/35
					62-602.300	9/25/07	10/15/07	33/20	33/35
Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	62-602.350	9/25/07	10/15/07	33/20	
					62-602.360	9/25/07	10/15/07	33/20	33/35
					62-602.410	9/25/07	10/15/07	33/20	
					62-602.420	9/25/07	10/15/07	33/20	
					62-602.430	9/25/07	10/15/07	33/20	
					62-602.450	9/25/07	10/15/07	33/20	
					62-602.500	9/25/07	10/15/07	33/20	
					62-602.560	9/25/07	10/15/07	33/20	33/35
					62-602.570	9/25/07	10/15/07	33/20	33/35
					62-602.580	9/25/07	10/15/07	33/20	
					62-602.600	9/25/07	10/15/07	33/20	33/35
					62-602.650	9/25/07	10/15/07	33/20	33/35
					62-602.660	9/25/07	10/15/07	33/20	
					62-602.700	9/25/07	10/15/07	33/20	
					62-602.710	9/25/07	10/15/07	33/20	
					62-602.720	9/25/07	10/15/07	33/20	33/35
					62-602.800	9/25/07	10/15/07	33/20	
					62-602.850	9/25/07	10/15/07	33/20	33/35
					62-602.870	9/25/07	10/15/07	33/20	33/35
					62-602.880	9/25/07	10/15/07	33/20	
					62-602.900	9/25/07	10/15/07	33/20	
					62-699.200	9/25/07	10/15/07	33/20	33/35
					62-699.310	9/25/07	10/15/07	33/20	33/35
					62-699.311	9/25/07	10/15/07	33/20	33/35
<b>DEPARTMENT OF STATE</b>									
<b>Division of Elections</b>									
1S-2.0011	9/25/07	10/15/07	33/34						
1S-2.009	9/25/07	10/15/07	33/34						
1S-2.0091	9/25/07	10/15/07	33/34						
1S-2.0095	9/25/07	10/15/07	33/34						
<b>DEPARTMENT OF COMMUNITY AFFAIRS</b>									
<b>Division of Housing and Community Development</b>									
9B-3.0477	9/28/07	10/18/07	33/30						
9B-7.003	9/28/07	10/18/07	33/30						
9B-74.010	9/28/07	10/18/07	33/30						
9B-74.020	9/28/07	10/18/07	33/30						
9B-74.030	9/28/07	10/18/07	33/30						
9B-74.040	9/28/07	10/18/07	33/30						
9B-74.050	9/28/07	10/18/07	33/30						
<b>DEPARTMENT OF TRANSPORTATION</b>									
14-15.002	9/26/07	10/16/07	33/33						
<b>DEPARTMENT OF THE LOTTERY</b>									
53ER07-58	9/28/07	9/28/07	33/41						
<b>AGENCY FOR HEALTH CARE ADMINISTRATION</b>									
<b>Medicaid Program Office</b>									
59G-13.091	9/28/07	10/18/07	33/30						
59G-13.092	9/28/07	10/18/07	33/30						
<b>DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION</b>									
<b>Board of Professional Geologists</b>									
61G16-4.004	9/25/07	10/15/07	32/46	33/33					
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>									
62-204.800	9/25/07	10/1/07	33/35						
62-602.200	9/25/07	10/15/07	33/20	33/35					
					<b>DEPARTMENT OF HEALTH</b>				
					<b>Board of Nursing</b>				
					64B9-2.001	9/25/07	10/15/07	33/34	
					<b>Board of Nursing Home Administrators</b>				
					64B10-12.002	9/25/07	10/15/07	33/33	
					64B10-12.009	9/25/07	10/15/07	33/33	
					<b>Division of Environmental Health</b>				
					64E-2.007	9/26/07	10/16/07	33/27	33/34
					64E-2.008	9/26/07	10/16/07	33/27	33/34
					64E-2.009	9/26/07	10/16/07	33/27	33/34
					64E-2.0094	9/26/07	10/16/07	33/27	33/34
					64E-2.036	9/26/07	10/16/07	33/27	33/34

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-1.708	9/26/07	10/16/07	33/26	
65A-1.713	9/26/07	10/16/07	33/26	

**FLORIDA HOUSING FINANCE CORPORATION**

67-57.001	9/24/07	10/14/07	33/28	
67-57.005	9/24/07	10/14/07	33/28	
67-57.010	9/24/07	10/14/07	33/28	
67-57.020	9/24/07	10/14/07	33/28	
67-57.030	9/24/07	10/14/07	33/28	
67-57.040	9/24/07	10/14/07	33/28	
67-57.050	9/24/07	10/14/07	33/28	
67-57.060	9/24/07	10/14/07	33/28	
67-57.070	9/24/07	10/14/07	33/28	
67-57.080	9/24/07	10/14/07	33/28	

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

68B-44.004	9/25/07	10/15/07	33/32	
68B-44.005	9/25/07	10/15/07	33/32	
68B-45.002	9/25/07	10/15/07	33/32	
68B-45.004	9/25/07	10/15/07	33/32	
68B-55.001	9/25/07	10/15/07	33/32	
68B-55.002	9/25/07	10/15/07	33/32	
68B-55.004	9/25/07	10/15/07	33/32	
68B-55.005	9/25/07	10/15/07	33/32	

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

69L-6.027	9/28/07	10/18/07	33/30	
69L-7.020	9/28/07	10/18/07	33/30	